HOUSE OF REPRESENTATIVES—*Thursday, October 21, 1993*

The House met at 10 a.m.

The Reverend Chris Holmes, Community United Methodist Church, Crofton, MD, offered the following prayer:

One Everlasting God, wide in mercy, broad in justice, we begin in prayer this morning not really to invoke Your presence—for we know that You are already here.

Long before anyone of us arose today, You were awake guiding the night into daylight, just waiting for us to join in with what You had already begun in this day.

So we begin this session of Congress acknowledging that we are in Your presence, and that this is therefore holy ground.

We ask that You guide these Members of Congress in their decisions, the Speaker in his leadership, and even the pages and congressional staffs as they go about their duties.

May all the work of this day glorify You, our one God of many traditions we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey [Mr. ZIMMER] please come forward and lead the House in the Pledge of Allegiance.

Mr. ZIMMER 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.

WELCOMING THE REVEREND CHRIS HOLMES OF CROFTON, MD

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

Mr. HOYER. Mr. Speaker, on behalf of all our colleagues, I am delighted to welcome to the House of Representatives our guest chaplain for the day, the Reverend Chris Holmes, who is the pastor of the Community United Methodist Church in Crofton, MD, located in my district.

Reverend Holmes is the pastor of one of the strong and vibrant congregations in my district.

It is interesting that his church is called the Community United Methodist Church, for indeed Pastor Holmes and the people of the church are community builders in our area doing the good works that bring people of all backgrounds together in faith and in trust.

Mr. Holmes was graduated from Western Maryland College and from Drew Theological Seminary and is married to Margaret Fry Holmes, who is with us today.

They are the parents of Lindsey, Jenny, and Taylor.

I am delighted to join my colleagues in welcoming the Reverend Holmes to the Chamber today and thank him for his inspiring prayer, which as all of us heard, included, uniquely in some regards, a prayer for our pages, for he, too, was once a page.

Mr. Speaker, I would now like to yield to the distinguished gentleman from Texas [Mr. PICKLE], who appointed Reverend Holmes a page in 1974.

Mr. PICKLE. Mr. Speaker, I thank our leader for yielding to me.

Mr. Speaker, I am delighted to add my voice to the chorus of praise for the Reverend Chris Holmes who opened this session with a word to the Almighty.

In 1974, I was pleased to appoint a strapping young go-getter as a page. The young Chris Holmes is the son of the venerable Dr. William Holmes, who was back then, the pastor of the University United Methodist Church in the shadow of the tower of the University of Texas at Austin, and is now the senior minister at the National United Methodist Church here in the Nation's Capital. I am happy to see that the acorn didn't fall far from the tree.

Of course, young Chris was a fine, hard-working page and a good student, but some of us remember him as a star on the Page School basketball team. Indeed he once scored 54 points in a single game, and I believe that record still stands. Who knows, if not for his higher calling into the ministry, he might have been the Michael Jordan of the 1970's.

I am honored and proud that the young man I appointed to serve this honorable body some two decades ago has gone on to become the outstanding young pastor he is today.

ONE IN EIGHT, WE CAN'T WAIT

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

Mr. FISH. Mr. Speaker, on Monday, thousands of Americans marched on Washington to deliver to President Clinton a petition signed by 2.6 million people drawing attention to a most important cause—the prevention and treatment of and finding a cure for breast cancer. One of those activists was my constituent, Tina Rohrer.

Ms. Rohrer is an artist who has contributed to the breast cancer arts project "Healing Legacies: A collection of art and writing by women with breast cancer." This collection provides breast cancer survivors and families of those who have not survived an opportunity to raise public awareness about the impact breast cancer has on our lives. It will be displayed in our Cannon rotunda through October 29.

Mr. Speaker, breast cancer is an epidemic in which 182,000 new cases are reported in the United States each year and which causes more than 46,000 deaths annually. Some researchers now believe it may be striking one women in eight during her life. I echo the chant of the marchers on Monday—"one in eight, we can't wait." We need a national strategy to tackle this disease, one that adequately funds research, prevention, and treatment.

DISEASE PREVENTION IS KEY ELEMENT OF ADMINISTRATION'S HEALTH REFORM PLAN

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

Mr. CARDIN. Mr. Speaker, the President's health reform plan would make prevention a real priority in our health care system for the first time. Let me cite one example where the priority will benefit millions of our people.

This week the National Academy of Sciences released a report that makes clear why disease prevention is so important. The academy reviewed the impact that lead poisoning is having on our Nation's children.

The study found that even low levels of lead can hurt the neurological development of our children, increasing their likelihood of having a reading or behavioral disorder and increasing the likelihood that they will not graduate from high school.

Over 3 million young children in the United States have unsafe levels of lead in their blood. While treatments are available, we know that many of the effects of lead poisoning are irreversible.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. Speaker, the only cure for lead poisoning is prevention. One reason to support the Clinton health reform initiative is the priority it places on prevention.

THE SUPER SIX

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

Mr. BALLENGER. Mr. Speaker, I was listening to the radio the other day, and I heard a political advertisement that must make opponents of NAFTA very comfortable.

Lyndon Larouche, the erstwhile candidate for President and convicted felon, announced his strong opposition to NAFTA.

He opposes this agreement because it will undermine both the Mexican and American currency systems. Frankly, his arguments sound as plausible as some of the others against NAFTA.

That makes it six marginal Presidential candidates who oppose NAFTA: Larouche, Ross Perot, Jerry Brown, Pat Buchanan, Jesse Jackson, and Ralph Nader.

Mr. Speaker, there's a reason these failed Presidential candidates failed in the efforts to become President. They lacked credibility. Their arguments against NAFTA are just as credible. Jobs will be created, not lost, because of NAFTA. The environment will be helped, not harmed, if the Congress passes this agreement.

When it comes to the Super Six and their arguments against NAFTA, I urge my colleagues to think twice about their credibility.

PREVENTIVE CARE IS CORNERSTONE OF CLINTON'S HEALTH PLAN

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

Ms. DELAURO. Mr. Speaker, on Monday, I paid a visit to a mobile mammography van run by the Yale University Comprehensive Cancer Center. This van travels across my district providing critical preventive health services to underserved women.

I visited this program in recognition of this month's designation as Breast Cancer Awareness Month. Also, I wanted to applaud the program's efforts in leading the way in health care reform by focusing on preventive care. But, preventive care does not have to come in the form of a traveling examining room—it can be something as simple as a basic flu shot or a blood pressure test.

Preventive care is the cornerstone of President Clinton's Health Security Act. This plan focuses on keeping people well rather than treating them when they get sick—a common sense approach that reduces both human suffering and reduces our overall health care bill.

The bottom line is this: Preventive medicine makes good health care policy and good fiscal policy. It is one more reason for us to support the Health Security Act.

□ 1010

CLINTON'S TAX-HIKE PROPENSITY EXTENDS TO NAFTA

(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, it seems that the Clinton administration views every national issue as an opportunity to raise taxes. What a shame and how out of touch with what Americans want.

Already this year President Clinton and the Democratic Congress has passed the largest tax increase in American history. All Americans are paying higher taxes under that plan, especially senior citizens and small businesses.

We all know that the health care plan being proposed by the Clinton administration will require massive new taxes on the middle class. Yesterday it was reported that the administration will propose an increase in the cigarette tax of 75 cents, and that will be just the start. That cigarette tax will only raise a tiny fraction of what the Clinton plan will need.

As if these tax increases were not enough, now the President is trying to raise transportation taxes in the NAFTA instead of cutting a modest $2½ billion spread over 5 years.

Does every initiative of this administration require a tax increase? Let us not kill NAFTA by making it a tax bill. If the President cannot cut $2.5 billion over 5 years, how are we ever going to balance the budget? Let us reject Clinton tax propensity and start trimming instead.

NAFTA: A BAD DEAL FOR AMERICA

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

Mr. TRAFICANT. Mr. Speaker, experts say without NAFTA our borders will literally be flooded with illegal immigrants. Can you believe that? It is already so bad there were two Federal judges appointed to be U.S. Attorney General, and they had to disqualify themselves because they hired illegal immigrants.

Let us tell it like it is: if this were about illegal immigrants, there would not be $90 million going for retraining American workers that are going to be losing their jobs because of NAFTA. It would be going to the border patrol.

There are two points that need to be made here today: if NAFTA is so good, why does not Japan do it? And, Mr. Iacocca, if I owned all that stock, like you do, in Chrysler, I would be making TV ads for NAFTA, too.

Congress, you better take a good look at NAFTA, because we have all the welders, mechanics, and carpenters we need.

TAXPAYERS' MONEY WASTED, AGAIN

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

Mr. BOEHNER. Mr. Speaker, not only is the President spending thousands of dollars flying around the country to convince the American people that a Government-run, Government-controlled health care system is for the good of the entire country, he is also spending taxpayer dollars to send political messages to Congress on his health care plan.

Yesterday I received a fax in my office from the White House's health care "delivery room." It is a blatant, petty, partisan attack on the Republican National Committee, and Republicans in general, for speaking out against the President's health care plan. Mr. Speaker, there are many groups speaking out against the Clinton plan, not just the Republicans.

I think this is an outrageous use of taxpayer's dollars to set up an office in the White House whose specific purpose is to engage in purely political activity via the fax machine. How many taxpayer dollars were used to set up this office, hire the staff, and buy the equipment to engage in this partisan warfare?

Mr. Speaker, the President has not even sent his health care legislation to Congress yet, much less told us how it is paid for. But judging from his careless use of taxpayer dollars in the White House, I'm sure he'll have no problem really sticking it to the American people when it comes to his health care plan.

NAFTA IS DEAD

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

Mr. APPLEGATE. Mr. Speaker, the gentleman from California, Mr. Panetta said several months ago that NAFTA was dead. Mr. Speaker, NAFTA is dead. And let me say this: it is an issue today in the Canadian elections, and it is going to help oust Prime Minister Kim Campbell before it is all over. Her opponents want to renegotiate NAFTA. Why? Because of the

same reasons that it is bad for the United States.

Second, we are going to need $2.5 billion to offset the loss of tariffs, which means that your taxes are going to have to be increased.

Mr. Speaker, who in this Congress of the United States is going to vote to raise taxes to fund a trade treaty that denigrates the U.S. industrial base and denigrates American jobs? They say they will retrain workers. Retrain workers? To do what? To sell pants and shirts in a mall?

Give me a break, folks. This is not going to work. I say, let Mexico prove itself. Let them bring themselves up to our standards. But, by god, let us not bring the American standards down to the Mexican standards.

JOINT COMMITTEE ON ORGANIZATION OF CONGRESS CHANGING COURSE

(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, first let me say, NAFTA ain't dead.

Mr. Speaker, let me say that there is a very disturbing development which has taken place just this week here in the House. Several senior Democrats have chosen to resort to sabotage when it comes to our Joint Committee on the Organization of Congress. Just 2 months before we are scheduled to complete our work and go out of existence, several of these Democrats want to change the rules.

The rules of the resolution that put our committee in place basically say that Members of the House deal with issues that affect the House, and Members of the Senate deal with issues that affect the Senate. The Senate filibuster is their priority item. We do not have responsibility to deal with that.

Mr. Speaker, their goal is simply sabotage. They want to prevent us bringing about meaningful reform of this institution.

All Republicans and many Democrats want to do what the American people want. They want to bring about accountability and deliberative democracy for this institution. Let us not let these Members block our responsible efforts to change this place.

REFORM HEALTH CARE SYSTEM

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

Mr. VISCLOSKY. Mr. Speaker, as our parents told us, an ounce of prevention is worth a pound of cure. Unfortunately, our health care system foolishly squanders this sage advice.

Instead of a few pennies for childhood immunization, we spend a great many dollars combating preventable disease. Instead of focusing on the prevention of heart disease, we rely on bypass operations. Instead of concentrating on prenatal care, we are left with sick infants in intensive care.

This results in the United States having a higher infant mortality rate than 20 other nations. We rank just 20th in combating fatal heart disease.

President Clinton's reform plan will return common sense to our health care system. Beginning with prenatal care, and including everything from breast cancer to heart disease, the President's plan will work to help keep all Americans healthy.

Mr. Speaker, we must all work together with President Clinton to reform our health care system so that the strongest Nation on Earth can also be the healthiest Nation on Earth.

UNDUE INFLUENCE OF SPECIAL INTEREST LOBBYISTS

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

Mr. SMITH of Michigan. Mr. Speaker, I want to spend 1 minute talking about the undue influence of special interest lobbyists—15 years ago I was elected to the Michigan Legislature. At that time it was not uncommon for the special interest lobbyists, especially the multiclient lobbyists, to come before legislators right before a key vote and hand them a bundle of checks and say how important this vote was to their special clients.

We have a chance to change campaign finance reform. We have a chance to diminish the amount of influence that these special interests are having as they write words in legislation, as they write numbers in appropriation bills.

Mr. Speaker, they are not dumb. They spent over $100 million last election. The problem is that too often they are getting their money's worth.

Mr. Speaker, I hope Members will join me in urging that we have the opportunity to have real campaign finance reform in the next couple of weeks.

Mr. Speaker, I want to talk about the undue influence of special interest lobbyists and their PAC's. Last November the voters expressed unprecedented hostility to the status quo in Congress. They demanded change. But we've done little if anything.

Soon, Mr. Speaker, this body will have the opportunity to serve the voters, and stand up to the special interests. This week, the Republican Task Force on Campaign Reform announced its bill which would ban PAC contributions entirely, and would cut many other forms of special interest lobbying.

These special interests are standing in the way of the change the voters want. In the last congressional election, PAC's gave more than $97 million to incumbents, and just $12 million to challengers. This 8-to-1 support for incumbents prevents reform, and has led to the scandals, and loss of prestige in Congress in the last few years.

Congress cannot regain the public trust until the power of the special interests is broken. That's why we must enact strong campaign finance reform.

Fifteen years ago I was elected to the Michigan Legislature. At that time, it was not common for the multiclient lobbyist to bring you contributions. Lobbyists of today are much more subtle. I decided in that first year to not accept PAC money from lobbyists.

HAITIAN PRESIDENT ARISTIDE HELD IN HIGH REGARD, DESERVES SUPPORT

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

Mr. FOGLIETTA. Mr. Speaker, I rise today to express my strong support for Haitian President Jean Bertrand Aristide and the return of democracy to the troubled nation of Haiti.

Yesterday, I was outraged when I heard a Member of the other body refer to President Aristide as a psychopath. This same Senator went on to say that President Aristide was responsible for widespread human rights abuses when he was in office.

These charges are absurd.

I have met with President Aristide many times. He is a man of unbounding intelligence, compassion, perseverance, and high moral character.

I am proud of this friendship.

I am not the only one who holds President Aristide in high regard. Sixty-seven percent of the Haitian people overwhelmingly elected him President over 2 years ago. The people of Haiti have spoken. It is imperative that the United States in concert with the international community continue to do everything possible to honor the will of the Haitian people and bring President Aristide back to his rightful place as President of that Republic.

□ 1020

THE JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS

(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, the Joint Committee on the Organization of Congress, which is the congressional reform committee on which I serve, has worked hard all year to develop bold recommendations that I believe will fundamentally change this Congress. We have compiled the most extensive hearing record of its kind in history.

We have sought the advice of outside experts, and we have received hundreds of letters from the public around this country.

More important, we have worked together in a bicameral and a bipartisan fashion.

Now, Mr. Speaker, at the 11th hour, with adjournment of this body looming and the sunsetting of the reform committee by the end of this year, a handful of House Democrats have decided to embark on a course that can only prevent the joint committee from ever completing our work. Demanding the abolition of the Senate filibuster before even beginning to deal with the rules and the problems of the House is little more than a smokescreen, Mr. Speaker, nothing more than an arrogant ruse to prevent the rest of us who want to reform this body from getting it.

I believe, Mr. Speaker, that Democrats and Republicans who care about reform cannot be deterred by this smokescreen. We have got to take advantage of this opportunity and give the American people the deliberative system in this Congress they have asked for.

WELFARE SYSTEM REFORM NEEDED

(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, yesterday, I attended a meeting with some of our colleagues on a very important topic: The critical need to reform the welfare system.

There are two victims of the current welfare system: The needy people it is supposed to help and the working people, especially the working poor, who pay for it. The current system makes one group dependent on Government and costs the second group—taxpayers—roughly $290 billion a year.

No one better understands how defective our welfare system is than those who live under it and the working poor who do not qualify for assistance, but have to pay for it anyway. Many middle-class and lower middle class workers, who would rather stay at home with their children, are struggling to make ends meet. And their taxes go to help pay for people on welfare, who get to stay home with their children. I do not think it is fair for a hardworking person, who limits the size of their family because they cannot afford to have more children, to pay for those on welfare indefinitely.

We need to end long-term dependency through time-limited assistance. For many, welfare is not the system of transition it should be. Fully one-quarter of those on welfare remain there for more than 10 years. Welfare should be only a way station on the road to work, not a final destination.

THE SENATE FILIBUSTER RULE

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

Mr. EMERSON. Mr. Speaker, this morning's press reports efforts by a few—and I emphasize few—House Democrats efforts to torpedo meaningful congressional reform if their clique does not get to mandate the rules of the Senate. This is clearly a tactic to divert attention from doable reform.

Yesterday, they issued a threat to the committee to derail all reform efforts unless the other body's filibuster rule is changed to their satisfaction. There is, indeed, what I would call the designated-hitter for antireform efforts. The majority of the committee has worked in a collegial, bipartisan manner to attempt to achieve meaningful reform. The House chairman and vice chairman, our respected colleagues HAMILTON and DREIER, have admirably led a majority of the House contingent in a true statesmanlike manner.

Yesterday's self-serving, staged event should be seen for exactly what it is—an attempt to sabotage congressional reform. It is regrettable that a few, antireform Members on the Democrat side are willing to torpedo the genuine, and genuinely bipartisan reform efforts of the joint committee.

I could count the number of Members in this Chamber who do not want to see reform happen—but that is not necessary, Yesterday's actions are transparent.

THREAT TO LABOR STANDARDS BRINGS OPPOSITION TO NAFTA

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

Mr. HAMBURG. Mr. Speaker, Mexico currently imports 3.8 billion dollars worth of products into the United States duty free. This is possible because Mexico is a beneficiary of the generalized system of preferences [GSP].

One of the conditions for beneficiary status is the guarantee of internationally recognized labor standards, such as the right to organize and collectively bargain, guarantees of decent minimum wages, and prohibitions against child labor.

Under GSP law, independent parties can petition to have a country removed from the GSP for failure to enforce these standards. Such a petition was filed in June by the International Labor Rights Fund.

The United States Trade Representative first delayed consideration, and then rejected the petition based on the assumption that the NAFTA will improve labor standards in Mexico.

NAFTA does nothing of the kind. As drafted, the labor supplemental is weaker than the GSP. Where the GSP conditions duty-free access to our markets on the recognition of labor rights, the NAFTA does not. There is no independent petition procedure, the review process is more arduous, and the penalties are weaker.

The GSP represents the correct direction for our trade policy. The NAFTA represents a step backward.

THE NEED FOR CONGRESSIONAL REFORM

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

Mr. ALLARD. Mr. Speaker, first you proclaim in the House that October is reform month. Then you proclaim the last week of October as reform week. And now, you indicate that the Joint Committee on Reorganization of Congress should be extended into next year.

This is the irony of all ironies. A committee to eliminate committees, is extended further beyond its expiration date.

Mr. Speaker, a couple of democratic members of the Committee on the Reorganization of Congress now want to use the Senate filibuster rule as a condition for reform action, while they fully realize it will mean deadlock.

Here Congress goes again. Trying to proclaim action, when in reality nothing is going to happen.

CONGRESSIONALLY IMPOSED STAFFING LIMITS FOR THE OFFICE OF HOUSING ENTERPRISE OVERSIGHT

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

Mr. PICKLE. Mr. Speaker, I rise this morning to call the attention of my colleagues to recent developments in the continuing struggle to protect the public against the financial risks associated with the activities of Fannie Mae and Freddie Mac, the two largest Government-sponsored enterprises.

Last year, in an effort to ensure the financial safety and soundness of these two housing industry giants, Congress created the Office of Federal Housing Enterprise Oversight [OFHEO], and required this new office to develop comprehensive risk-based capital standards by the end of 1994.

The establishment and enforcement of meaningful capital standards for these two federally chartered corporations is critically important because, while they pose no immediate risk to taxpayers, they remain two of the most thinly capitalized financial institutions in the country. Their current level of capitalization is well below that required of all other federally chartered banks and thrifts.

At the time the Office of Federal Housing Enterprise Oversight was established I expressed my concern that

the regulator lacked the independence and stature necessary to properly monitor and regulate the financial operations of Fannie Mae and Freddie Mac. I still have these concerns, and while I hope they prove misplaced, the recent congressional actions to cap the staffing of OFHEO to only 45 employees should be troubling to any objective observer of this situation.

Clearly, it is impossible for 45 employees to effectively oversee Fannie Mae and Freddie Mac, whose combined assets exceed $1 trillion. By comparison, the Office of Thrift Supervision has over 2,500 employees to oversee financial institutions with an asset base of $800 billion and the Comptroller of the Currency has over 3,600 employees supervising institutions with a $2 trillion asset base.

Aida Alvarez, the newly appointed Director of OFHEO, has already expressed her concern that this congressionally limited level of staffing will be insufficient. Having short-changed this new agency, Members should not be surprised when we later learn of delays in developing and implementing the required risk-based capital standards.

Let me also observe that this is exactly the kind of micromanagement about which the Reagan, Bush, and Clinton administrations have complained, and which Vice President GORE highlighted in the administration's recently released "National Performance Review." Even more troubling, this is exactly the kind of regulatory interference that undermined the ability of the Federal Savings and Loan Insurance Corporation to regulate the thrift industry.

Mr. Speaker, it may not be politically expedient to irritate Fannie Mae and Freddie Mac by subjecting them to aggressive financial scrutiny, and assessing them for the cost of such oversight. It also may not be politically expedient to support the hiring of more Federal employees at a time when there is such a hue and cry from all quarters to cut the size of Government. But, Mr. Speaker, let me remind all my colleagues that, if either of these two corporations ever gets into financial trouble and requires special assistance, as has happened in the past, it certainly won't be politically expedient to vote for the bailout that will inevitably occur. At that time I doubt the public will be impressed with this unfortunate instance of congressional meddling.

Finally, Mr. Speaker, I would note that as troubling as this action is, it has probably not yet done serious damage. OFHEO is just getting started, and currently has only a handful of employees. However, at such time as OFHEO becomes fully operational and Director Alvarez determines that additional staff is needed, I hope that we will fully support her request. To do less could seriously undermine the intended purpose of the legislation creating OFHEO as an independent regulator and will ultimately threaten the integrity of our entire system of housing finance.

Somebody, somewhere ought to "ride herd" on Fannie Mae and Freddie Mac, good agencies but agencies which must have proper capital reserve standards.

HEALTH CARE REFORM

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

Mr. HOKE. Mr. Speaker, for the 182 million Americans presently covered by private health insurance, health care reform need not involve a reduction of services, more bureaucracy, higher taxes, or diminished freedom of choice. In fact, there is a simple, easy-to-implement proposal that gives individual Americans more power over their personal health care than they have had in 30 years.

The solution, Mr. Speaker, is Medisave. Medisave is a common-sense idea that protects families from catastrophic medical expense. It provides them with a powerful new incentive to manage their own health needs responsibly. It keeps doctors working for patients, not for bureaucrats. And it restores badly needed competition to the health care market.

Ultimately, the question that each one of us must ask is how much power over our individual lives do we want to assign to big government. Personally, my confidence is in the individual, the family, private institutions. And I, frankly, find it ironic that a President who correctly recognizes that our Government is broken and needs to be reinvented would trust that same broken Government to fix the Nation's health care industry.

□ 1030

TIME FOR A NATIONAL DEBATE ON AMERICA'S FOREIGN POLICY

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

Mr. TORRICELLI. Mr. Speaker, the individual crises in Somalia, Haiti, and Bosnia are indeed symptoms of a larger national problem. In the post-cold-war period, this Nation is largely without a vision of what it is we want to achieve in the world, how we will do it, and what prices we are prepared to pay.

In the cold war, it was contain communism. In the Persian Gulf war, it was to assure that naked aggression was not rewarded. Now it is time for President Clinton, with all the clarity that he brought to the health care debate and the certainty of deficit reduction, to come before this Congress and begin a new debate. What is it we want to achieve in the world? To protect humanity? To assure the protection of democracy? What relationships will we have with international organizations, and what prices are we prepared to bear?

Until and unless this Nation has that vision, we indeed may stumble from international crisis to international crisis, with parents unsure of why they are losing children, taxpayers unsure of why they are spending dollars. It is time for that debate nationally to begin.

HEALTH CARE: GOOD INTENTIONS ARE NOT ENOUGH

(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, weeks ago, the administration began its campaign to reform the Nation's health care system.

We cannot let a Washington public relations blitz take us too far from what we already know about health care. We must acknowledge that problems exist, and that these must be addressed.

However, we must also remember that America's health care system has many more strong points than weaknesses.

Republicans have introduced health care reform legislation in both this Congress and in the last one. Our plan focuses on our health care system's strengths.

Our plan endeavors to raise the parts of the American health care system that fall short of these strengths, not cap its strengths in hopes of removing its weaknesses.

Bringing good intentions to this debate is not enough. We have to get it right.

To do that, we must first keep it right for the vast majority of Americans for whom health care is working well.

HEALTH CARE REFORM

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

Mr. MINGE. Mr. Speaker, by the time I finish this brief speech, 46 Americans will have lost their health care insurance. That is a national embarrassment. Another embarrassment is the fact that the United States has a higher rate of infant mortality than 20 other nations, including Japan and Canada. If we want to lower our infant mortality rate we must focus on preventive care. We must work with young women so they understand the importance of prenatal care.

I am pleased to say that President Clinton is doing this in his health security plan. This reform initiative will

include a schedule of preventive screenings, tests, and checkups covered in only a few of today's health insurance policies. The plan will also encourage new research initiatives in the child health care area, including birth defects, prenatal care, and adolescent health.

Mr. Speaker, we must move ahead. We must reform our health care system, if not for us, then for the future of our country—our children.

AMERICA SHOULD LEARN FROM NEW JERSEY'S DISASTROUS TAX EXPERIMENT

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

Mr. ZIMMER. Mr. Speaker, if the States are indeed the laboratories of democracy, then New Jersey is one laboratory that blew up because of an experiment that was attempted by our Governor, former Congressman Jim Florio.

In 1990, Governor Florio increased taxes in New Jersey by $2.8 billion. At the time, this was the largest tax hike in any State in history. New Jersey government truly demonstrated Ronald Reagan's observation that government is like a baby with an endless appetite at one end and no sense of responsibility at the other.

At the time when the Nation has created 3.2 million new jobs, New Jersey has lost 277,000 jobs. That is failure created by destructive taxation.

Two hundred seventy-seven thousand jobs killed. New Jersey and the Nation should learn from the Garden State's disastrous tax experiment.

INTRODUCTION OF THE FRONTLINE MEDICAL EDUCATION ACT

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

Mr. BARRETT of Wisconsin. Mr. Speaker, today, I rise to introduce legislation that allows community health centers more opportunity to serve as medical training sites for new primary care doctors.

This proposal allows centers with approved residency programs to receive medical education funds directly.

It is time we broaden the sites available for new doctors to gain experience. Right now, only 20 percent of new physicians are entering the primary care field. We need greater emphasis on education and training in community-based sites to change that.

Developing community-based centers with greater emphasis on teaching will help move the extra burden of primary care out of the hospital and let hospitals focus on what they were meant to do: save lives and provide treatment for serious illness.

The Frontline Medical Education Act lays the groundwork for this shift by providing reimbursements to community health centers.

Mr. Speaker, primary care training should take place where it will most often be practiced. This bill lets that happen.

SHORT-TERM CONTINUING RESOLUTION FOR FISCAL YEAR 1994

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

Mr. BILIRAKIS. Mr. Speaker, Congress again has failed in its most basic duty under our Constitution—to provide comprehensive spending measures for the Federal Government. Today, we will consider yet another stop-gap spending measure, because we have failed to act on time. This time, we are over three weeks late.

In an effort to help curb this sort of irresponsibility, I have introduced H.R. 1922, the Congressional Pay for Performance Act. My bill would require Congress to pass the other 12 general appropriation bills before the appropriation for the legislative branch.

The intent of my bill is simple. I think it is outrageous for Congress to approve money for its own operations or our own salaries while we consistently delay, avoid, and fail to approve many regular appropriation bills by the end of the fiscal year.

We almost yearly bring the Government to a halt and create anxiety among the beneficiaries of Federal programs—while we approve our own budget months ahead of the October 1 deadline. My bill would not cure all institutional flaws, but it would represent a change in thinking and attitude. I think people would prefer to see Congress step to the back of the line for a change.

MOVE TO MEXICO OR GO OUT OF BUSINESS

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

Mr. KLEIN. Mr. Speaker, North Jersey was the center of a great apparel and textile manufacturing industry. Much of that remains in small companies which provide jobs to thousands of workers.

Recently, I was approached by a constituent who urged me to oppose NAFTA. He was not a labor leader or a factory worker. He was a small businessman, one of many apparel manufacturers in my area. He employs 250 people. He showed me this letter sent to him by a Mexican trade group urging him to move his plant to Mexico.

This letter says, "Today in Mexico, one dollar buys * * *." It continues by encouraging my constituent to relocate his business to Mexico in order to find, and here I quote, a "low cost workforce for less than a dollar an hour that is not 6,000 miles away."

My constituent said, "Herb, if you pass NAFTA, I have only two choices—move my plant to Mexico or go out of business."

Dozens of other small companies in North Jersey are in exactly the same boat. Either way, we lose thousands of jobs—jobs we cannot afford to lose.

Mr. Speaker, this NAFTA is a bad deal for American workers.

URGING PASSAGE OF HOUSE RESOLUTION 238, TO FULLY INVESTIGATE SCANDALS IN THE HOUSE

(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, I am glad that some Members of this Congress are finally waking up, and I hope that everyone else soon will, to the House Post Office scandal and the stories of embezzlement by Members of this House. Yesterday a bipartisan panel of our Committee on House Administration finally called for the Committee on Standards of Official Conduct to get involved on one part of this scandal, missing payroll records. That is a good start, but it is not enough. Let us not mistake the big picture. Let us not ignore the embezzlement charges, charges that Members of this House stole tens of thousands of dollars through the House Post Office.

Since August, I have called for the Committee on Standards of Official Conduct to fully investigate this issue. Now the news this week is that it is going to be a long, long time before the Justice Department can be expected to act, but their probe is getting bigger. Meanwhile, a cloud remains over this Chamber.

Mr. Speaker, the longer we bury our heads in the sand, the dirtier it makes us look. We have the duty to look into all the charges and to have the Committee on Standards of Official Conduct do so. Let us pass House Resolution 238 and get to the bottom of the full scandal.

□ 1040

CONGRATULATIONS TO BPW/USA ON 75TH ANNIVERSARY

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

Mrs. CLAYTON. Mr. Speaker, I rise to congratulate BPW/USA as it begins its 75th anniversary year. I am a member at large of this organization, and I want to tell you and my colleagues a little about its esteemed history.

Founded in 1919—a year before women had the right to vote—BPW/USA's long history of advocacy on behalf of women's equality started when women in similar clubs across the country banded together to form a federation.

BPW/USA was one of the original supporters of child labor laws and the first women's organization to endorse Alice Paul's equal rights amendment in 1937. BPW/USA took part in the battle for the establishment of the Equal Employment Opportunity Commission in 1972, the Equal Credit Opportunity Act of 1974 and the Women's Educational Equity Act of 1974.

BPW/USA has additionally led the fight in passing much of the Nation's landmark civil and women's rights legislation including: the Women's Business Ownership Act; the Child Care Act of 1991; the Civil Rights Act of 1964 and 1991; the Equal Pay Act; and the Equal Credit Opportunity Act.

This organization represents approximately 80,000 members in 2,800 clubs nationwide. There are BPW/USA members in every congressional district, Mr. Speaker. I hope you and my colleagues will join me in saluting this fine organization.

THE NEED FOR A BALANCED BUDGET AMENDMENT

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

Mr. GOSS. Mr. Speaker, yesterday's Washington Post sought to defend the indefensible—rallying around the status quo budget policies in Congress. The Post says "a balanced budget amendment would destroy political accountability." What political accountability? As far as I can see there is no discernible accountability for our budget crisis. For 40 years the Democrat leadership has controlled Congress, and our national debt has skyrocketed. Where is the accountability? What about the $4-plus-trillion-and-rising debt we face? How about the hundreds of billions of dollars of Government waste each year? What about the ease with which legislated ceilings are lifted to accommodate still more spending? Our current system just does not work. We are doing our third CR today. Congress is woefully incapable of balancing the Federal budget on its own. The Post calls the balanced budget a simplistic and dangerous idea. Perhaps it is the Post that is simplistic and dangerous.

AMTRAK STATION CLOSINGS

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

Mr. PARKER. Mr. Speaker, I reluctantly come before the House again today to bring to my colleagues attention a problem that has arisen at Amtrak. It seems as though Amtrak has unilaterally taken steps to close some 15 stations across the country in anticipation of what they foresee as a shortfall in funding provided by Congress.

Sure, we all agree that cutbacks have to be made in many different areas to get our fiscal house in order. Amtrak should have to participate in that downsizing as well. However, I encourage you to ask Amtrak how many officials are being eliminated in its corporate hierarchy. Would you believe none? While none of the highly paid executives and lawyers at Amtrak's headquarters will be affected, our front line station managers and employees are getting the ax. If a station is losing money, I have no argument with closing it. But if it is making money, it is absurd to close it.

The very last thing a business would do when trying to get its financial house in order would be to close the doors where the money comes in. However, Amtrak has made that choice. That is no way to run a railroad.

I encourage you to sign a letter that I will be sending to Amtrak today to demand that they change this stupid decision.

RESTRICTIONS ON FEE FOR SERVICE IN THE CLINTON HEALTH CARE PLAN: CAN YOU CHOOSE YOUR PERSONAL PHYSICIAN?

(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, Americans believe that the freedom to choose their own physician is of primary importance in evaluating the various health reform proposals. When an individual is facing a life-threatening moment of decision. That person wants to know that they, and not some faceless Government bureaucrat, can choose their personal physician. The administration knows this and has stated over and over that the fee-for-service option must be offered to all. But when you work through the fine print of the September 7 draft, the fee-for-service option appears to shrink and then disappear, just like our doctor friend on the chart. For in the Clinton plan, the proposed fee-for-service actually eliminates many of the elements of fee-for-service. Let's walk with our fee-for-service [FFS] doctor through these stop signs, or, as Ira Magaziner would say, "toll gates," and see if we can still find our FFS doctor after this long and tortuous journey.

First there are a number of ways that States can waive a fee-for-service [FFS] option. These include, first, the FFS plan is not viable—page 62, September 7, 1993 draft; second there is insufficient provider or beneficiary interest—page 62; or third, the State elects a single-payer system—page 54.

If FFS makes it past the State waivers, it then faces a number of alliance restrictions. First, even if many FFS plans want to contract with an alliance, the alliance can limit FFS plans to three—page 61. Second, an alliance may refuse to contract with plans that exceed the average premium by 20 percent—page 60. This will almost exclusively affect higher cost FFS plans. Finally, the alliance may exclude any plan that might cause an alliance to go over budget—page 61. Again, this would primarily affect higher price FFS plans.

Now there are two more alliance restrictions on fee-for-service plans. First, there must be a mandatory fee schedule, and second, no-balance billing is allowed.

But we are not finished. The State has the following additional authorities. First, States have the authority to impose prospective budgeting on the FFS plan—page 62; second, it can establish spending targets—page 63; and third, it can periodically review utilization and reduce payments to physicians for services to comply with its budget—page 63. I think it is safe to say that no physician or insurer has ever seen or participated in a FFS plan with these types of restrictions.

At this point in our journey there is literally very little fee-for-service option left. After passing through these four stop signs, FFS has been whittled away to nothing. It is like telling the American public you can choose a FFS plan as long as it "walks and talks" like an HMO. Interestingly, the Washington Post October 12 poll shows that the American people have not been fooled. The lack of freedom of choice is identified as the public's No. 1 complaint with the Clinton plan. I am sure we will come to the same conclusion—that is, fee-for-service under the Clinton plan is an illusion rather than reality.

RESTRICTIONS ON FEE-FOR-SERVICE: CAN YOU REALLY CHOOSE YOUR DOCTOR?

STATE WAIVERS

1. FFS not financially viable.
2. Insufficient Provider or Beneficiary interest.
3. State elects for a single-payer system.

STATE AUTHORITY

1. Prospective budgeting on FFS.
2. Spending targets.
3. Provider review of utilization and fee reduction.

ALLIANCE RESTRICTIONS

1. Alliance may limit to 3 FFS plans.
2. Alliance may refuse any plan that exceeds average premium by 20%.
3. May exclude any plan that might cause alliance to go over budget.

FEE-FOR-SERVICE UNDER ALLIANCE

1. Mandatory Fee Schedule.
2. No Balance Billing.

NAFTA: FEWER JOBS FOR AFRICAN-AMERICANS

(Miss COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, as the pro-NAFTA forces turn up the heat to pass the trade treaty, with promises of renewed vitality in the American economy, I want to remind my colleagues that NAFTA will not mean economic vitality for many of my constituents.

Indeed, for many African-Americans and other minorities, NAFTA will mean job loss, not job gain. This is because even without NAFTA, the U.S. labor market is moving away from its blue-collar, manufacturing jobs base and into a more white-collar, service-industry economy.

NAFTA will liberalize access to Mexico manufacturing. This, in my view, will cause the number of jobs traditionally held by blue-collar workers in this country to evaporate. Because minorities are concentrated disproportionately in these jobs, we will see unemployment among minorities shoot up.

At 14.6 percent, unemployment among African-Americans is already more than double that of other Americans. NAFTA will not be a job producer for my constituents. It will be a job loser.

I call on my colleagues to reject NAFTA. It will close the door to a good job at a good wage.

DEMOCRAT CONGRESSIONAL REFORM PLAN PITIFUL AND PATHETIC

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

Mr. WALKER. Mr. Speaker, why would several senior Democrats set out now to torpedo congressional reform?

First, time is running out. The committee ceases to exist at the end of the year. Sabotaging it now assures that nothing gets done; congressional reform dies.

Second, the Democrats' plan to reform the Congress is so weak that it will not pass the laugh test. Republican members of the joint committee had our first look at the proposed bill yesterday. Only two words come to mind to describe their plan: pitiful and pathetic.

So some Democrats evidently have decided that the best politics is to sabotage the whole process.

Congressional reform is about to die. It is going to die a slow, agonizing death. How sad, but how typical of 40 years of Democrat mismanagement of the Congress.

JAPAN'S CONTRIBUTION TO THE ARAB-ISRAELI PEACE PROCESS

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

Mr. ABERCROMBIE. Mr. Speaker, when Yitzak Rabin and Yassir Arafat shook hands on the White House lawn, we were gratified that a new era of peaceful resolution of conflict was now possible.

We know that the process of making that peace in the Middle East must involve nations outside the region.

Besides the United States, one nation with a role to play undoubtedly will be Japan. The question is: How, exactly, will Japan's impact be felt?

As one possible answer, I cite the work of Prof. Yasumasa Kuroda of the University of Hawaii Political Science Department. Professor Kuroda has prepared a study entitled "Japan in a New World Order: Contributing to the Arab-Israeli Peace Process."

I will submit a summary of this work as an extension of my remarks. It is well worth studying and I commend it to the attention of my colleagues and policymakers everywhere.

WHO'S ON FIRST AND WHAT IS ON SECOND?

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

Mr. GALLEGLY. Mr. Speaker, with the World Series going on, I am one Member that would like to know who is on first and what is on second.

A couple of weeks ago our new Commissioner of INS was quoted in the Washington Post. Let me read:

> Over the past year she has repeatedly argued that even if NAFTA meets its goals of promoting economic development in Mexico, it could actually increase the flow of illegal immigration for up to 20 years.

This morning in the Washington Post the President of the United States, the gentleman who appointed her Commissioner on INS, was quoted as saying if NAFTA is rejected it "would result in a flood of illegal immigrants."

Further, if rejected, "The trade agreement would encourage more Mexicans to enter the United States illegally in search of better jobs."

Mr. Speaker, I think it is time that we ask the administration who is on first and what is on second.

□ 1050

NAFTA: THE LARGEST THREAT TO THE U.S. ECONOMY AND AMERICAN WORKERS

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

Mr. VOLKMER. Mr. Speaker, I rise today to address an issue that serves to be the single largest threat to the U.S. economy and the American worker—the present NAFTA agreement.

NAFTA supporters argue this agreement will benefit the United States by creating thousands of jobs. What these people admittedly fail to recognize is that NAFTA will send hundreds of thousands of needed American jobs to Mexico. NAFTA is a job loser for the United States and a bust for the American worker. The United States cannot afford to lose one single additional job to our foreign competitors, much less make it easier for United States jobs to be pulled out from underneath American workers and sent to Mexico.

For my constituents a lost job is a lost job. It is hard for me to justify to these individuals who have lost their jobs because of increased imports or their company has moved out of the United States, that NAFTA by reducing tariffs and encouraging more imports will have a positive impact on them.

Mr. Speaker, millions of American workers have lost their jobs to cheap foreign labor and increased imports. NAFTA through reduced tariffs and encouraged imports will only expedite the mass exodus of needed American jobs. For me, the choice to oppose NAFTA is plain and simple. The United States must have fair trade. We in the Congress have the opportunity and the power to halt further assaults on American workers by opposing this NAFTA.

CLINTON PUSHES TO WEAKEN CHILD PORN LAW

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

Mr. SMITH of New Jersey. Mr. Speaker, the Clinton Justice Department has quietly, and—I would submit—shamefully, turned its back on children by seeking to reinterpret, loosen, and weaken existing Federal child pornography law.

In brief, the Justice Department has petitioned the U.S. Supreme Court in Knox versus United States to remand the case of a man convicted under Federal child pornography law back to a lower court for review. The Clinton brief argues that a weak, ineffective standard be applied in this precedent setting case than that which was affirmed by the Court of Appeals for the Third Circuit. If Mr. Clinton prevails in defending a convicted pedophile efforts to curb this hideous form of child abuse will be seriously undermined.

The Clinton policy seriously weakens law enforcement efforts to crack down on child porn in this country by inventing a new two-part test of what constitutes a crime. Under Clinton,

both criteria must be met for a successful prosecution. The Clinton administration's policy would transfer the burden from the pornographer's intent in arousing a pedophile to the actions of the exploited child. This clearly undermines the meaning of the law as supported by the 1989 case United States versus Villard which stated that lasciviousness depends on the intention of the photographer of the material to elicit a sexual response form the viewer. For example, sexually explicit photographs of sleeping children or videos of unclothed children innocently playing on a beach who are secretly filmed by a pedophile could not be said to depict minors "engaged in conduct of lasciviously exhibiting their genitals or pubic areas."

The brief also argues that nudity or visibility of the child's genitalia or pubic area is required. This reinterpretation of the Nation's child pornography statute by Mr. Clinton would shield from prosecution a sizable element within the child pornography industry. This immunity, however, would be conferred to the purveyors and users of kiddie smut at the direct expense of vulnerable children. The court of appeals correctly summed up congressional intent on this point in stating:

> The harm Congress attempted to eradicate by enacting the child pornography laws is present when a photographer unnaturally focuses on a minor child's clothed genital area with the obvious intent to produce an image sexually arousing to pedophiles. * * * Our interpretation simply declines to create an absolute immunity for pornographers who pander to pedophiles by using as their subjects children whose genital areas are barely covered.

It is outrageous to me that the Clinton Justice Department seeks to have our current standard, designed to protect children from exploitation, declared "null and void."

Patrick Trueman, head of the Child Exploitation and Obscenity Office at the Bush Justice Department, notes that the Clinton brief "writes a recipe for 'legal' child pornography, i.e., child pornography that the Reno Justice Department will no longer prosecute. * * * With its new interpretation of the Federal child pornography law, the Department gives to pedophiles what they could never get from Congress."

The pornographic tapes which were the basis of the Knox case and which would likely receive immunity under the Clinton Justice Department, were described by the Third Circuit Court of Appeals as containing:

> * * * various vignettes of teenage and preteen females, between the ages of 10 and 17, striking provocative poses for the camera. The children were obviously being directed by someone off-camera. All of the children wore bikini bathing suites, leotards, underwear or other abbreviated attire while they were being filmed. . . . The photographer would zoom in on the children's pubic and genital area and display a close-up for an extended period of time.

This week 130 Members from both sides of the aisle—have sent a letter to Attorney General Janet Reno urging her to abandon this morally indefensible position. The Clinton Justice Department has devised a thoroughly flawed legal reinterpretation of congressional intent, has radically reversed the Bush prosecution strategy as it relates to child pornography, and as a consequence has concocted a formula for creating a new protected category of child pornography which will open the floodgates to the exploitation of children.

HAITIAN EMIGRATION BEFORE AND AFTER THE COUP D'ETAT

(Mr. PAYNE of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. PAYNE of New Jersey. Mr. Speaker, several years ago the people of Haiti had their first democratically held election and elected President Aristide by 67 percent of the vote. During that period of time, 38 people left that country by boats over the course of his tenure. Lieutenant Cedras and Lieutenant Colonel Francois overthrew the Government, and since that time 40,000 Haitians left there to come to the United States until our embargo was placed there in January.

I commend the President's resolve to return President Aristide, but actually deplore the role the CIA is playing at the present time in discrediting President Aristide.

I call on President Clinton to use the week of October 24, the 48th anniversary of the United Nations, to speak to the American people about the new world order, the multinational approach to world problems and our support for the United Nations.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair would caution Members they cannot refer to the gallery during their remarks.

FIRST ORDER OF BUSINESS ON REFORMING THE CONGRESS

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

Mr. OBEY. Mr. Speaker, for the last half hour a number of Republican Members of the House have been hyperventilating because I and two other Democrats yesterday held a press conference demanding that the first order of business under reform be the elimination of the filibuster and the practice of holds in the other body.

I want to read the language of the resolution which we submitted to the caucus yesterday:

> Because the first obligation of any legislative body is to do its work, the Democratic caucus hereby recommends to the members of the Joint Committee on the Organization of Congress that reforms be fashioned to assure the right of the majority to obtain a vote on key legislation by substantial modification of the Senate filibuster and that it provide recommendations for the elimination of the anonymous system of Senate holds before it produces recommendations to substantially enhance minority powers.

Mr. Speaker, I make no apology for that recommendation; I insist on it. I insist on it.

I think that we have an absolute right to expect that a majority in either body in this Congress can obtain a vote on crucial national matters. If that is not a legitimate matter that ought to be at the forefront of reform efforts, I do not know what is.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would caution Members not to refer to the procedures of the other body.

"NO" ON NAFTA

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

Mrs. BENTLEY. Mr. Speaker, yesterday, as I was driving to the Capitol, I listened to two news items on National Public Radio—the first on Staten Island's efforts to secede from New York City and the second on companies' urging their employees to pressure Washington on NAFTA.

I wondered if there was a connection between the stories.

During my 9 years here, many measures have come to the floor that have severe negative consequences for the United States economy.

However, there have been few occasions that companies have asked their employees to lobby us.

We have seen destructive tax increases, bills that regulate, that render property useless by regulation, and still no serious lobbying efforts from U.S. business.

But on NAFTA there are.

Congress should take note of these trends, and try to understand why our businesses are trying to improve business conditions outside of U.S. borders.

Are the NPR stories related? With higher taxes, overly restrictive environmental mandates, and unbelievable endless regulations, it appears American companies believe they can no longer do business here and are trying to secede from the United States to go where they are welcome.

SEGREGATING OUT UNEMPLOYMENT COMPENSATION AND EMPLOYMENT SERVICES FROM THE UNIFIED BUDGET

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

Mr. BARCA of Wisconsin. Mr. Speaker, Representative JILL LONG and I will be introducing a bill next week to segregate unemployment compensation and employment services from the unified budget. As all the Members know, employers are currently financing these programs through a payroll tax in order to insure that there is quality employment services provided to the people of this country. What they find is that their investment is being used to offset the deficit and these programs are being micromanaged by Congress. This is something that always troubled me as a State legislator. We know that in order to have a vibrant economy, employees need to be aware of job opportunities and employers need to be able to readily find qualified employees. That is why I ask Members on both sides of the aisle to join Representative JILL LONG and me in this effort.

FOREIGN POLICY PERFORMANCE OF CLINTON ADMINISTRATION

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

Mr. LAZIO. Mr. Speaker, my constituents and I are increasingly concerned with the foreign policy performance of the Clinton administration.

It is apparent that we now have a President who believes foreign policy can be delegated. This wrong headed notion is only made worse when foreign policy is delegated to subordinates who lack vision.

Mr. Speaker, it is possible to sail a boat into the wind, but only if the vessel has a keel, a captain, and a capable crew. Without any of these attributes, the boat will only drift aimlessly with the winds and the currents.

Leading the world is much the same. It requires a leader who is both engaged and knows where he wants to go. And it requires a competent team.

That we know all this from past experience is a blessing. That we know this from recent experience is a tragedy.

□ 1100

REINVENTING GOVERNMENT: GAO AUDIT SAYS NO EFFECT

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

Mr. STEARNS. Mr. Speaker, when you hear the White House talk about reinventing Government, please ask President Clinton and Vice President GORE just what it is they hope to create. If they tell you its a leaner and cleaner Federal bureaucracy, please tell them they have more work to do—lots more.

The General Accounting Office recently concluded that the President's executive order in February to improve efficiency and productivity in the Federal bureaucracy will do neither.

The GAO report says, and I quote:

> The order's required reductions as envisioned probably will not effect significantly the federal budget deficit or improve the efficiency and effectiveness of government programs.

It looks to me like the administration's path to reinventing government is paved with reinvented history. Mr. Speaker, measuring by bills sponsored and by votes cast, Vice President GORE was the Senate's biggest spender during his tenure there. And, Mr. Speaker, President Clinton will not reinvent Government by simply telling the Federal bureaucracy to be more productive.

The GAO report illustrates that, rather than really take on the Federal bureaucracy, the White House has merely asked the bureaucrats to change the way they shuffle their paperwork.

WESTHILL HIGH, AN OUTSTANDING BLUE RIBBON SCHOOL

(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, I rise today to honor educators in my district who have achieved a great honor. Westhill High School has been named an outstanding blue ribbon school, one of 260 across the Nation to be so honored, and I am very proud.

I am proud because our two oldest children go to Westhill High School. And I am proud because I, as a parent, have played a role in establishing Westhill as an excellent learning institution. That does not mean I am taking credit. Quite the contrary. The credit is due to the administration and the teachers, the support staff and others who actually encourage parents to join in the project of teaching our children. Parents are part of the team. Parents are welcome and parents have access to the team of teachers dedicated to the kids they teach.

The educators on faculty are deeply aware that academic motivation comes from home and the classroom. They are ready to refer students to personnel counselors or career counselors. They are aware that higher motivation creates demands and higher expectations of their services. They welcome this challenge. They attribute much of the success, represented in numbers of graduates, college attendance and other statistics, to the participation of students in extracurricular clubs and activities. All in all, Westhill creates a community environment of caring and stimulation.

The district boasts a strong program for drug and alcohol abuse prevention provided through our own programs and those of various community agencies.

I ask my colleagues to join me in saluting the principal, Mr. Richard J. Cavallaro, and the entire faculty and staff at Westhill. We recognize their achievement and we encourage them and all other schools to strive for excellence every day.

SELLING NAFTA

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

Mr. DICKEY. Mr. Speaker, I am selling NAFTA. I have noticed in my business career and my legal career that when someone is coming to sell me something, if they had enough confidence in the particular project that they wanted to sell that they would say, "Look, you can get out of it anytime you want."

That impressed me then. It impresses me now.

What I want to emphasize today is that fact that this NAFTA agreement allows for a 6-month termination notice. In other words, if we get into this thing with Mexico and Canada and we do not see that combining the largest economic bloc in the world is beneficial to us, we can get out of it.

I would like for the opposition to understand that is how much confidence we have in this particular program. That is what we have built into it and anytime that they want to get out of it, they can, if in fact they get the support of this body. That is confidence. That is a compelling reason to support NAFTA and that is one of the reasons, one of the many reasons why I am supporting it and I hope my colleagues do the same.

CONFERENCE REPORT ON H.R. 2750, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. CARR. Mr. Speaker, I call up the conference report on 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.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 18, 1993, at page H8066.)

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CARR] will be recognized for 30 minutes, and the gentleman from Virginia [Mr. WOLF] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CARR].

GENERAL LEAVE

Mr. CARR of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on the conference report on the bill, H.R. 2750, and the amendments in disagreement thereto now being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CARR of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Subcommittee on Transportation of the Committee on Appropriations brings to the House today the conference report on the 1994 Transportation appropriations bill. I believe this is a package that virtually all Members will be able to support. As the membership knows, this bill has not been without controversy this year. This conference agreement represents a good faith effort to accommodate all the competing pressures that the subcommittee faced in putting together the final version of this legislation.

Before getting into a few specifics, I want to acknowledge the tremendous contribution made to our final product by the ranking minority member of the subcommittee, the gentleman from Virginia, FRANK WOLF. His advise and counsel not only during the conference, but throughout the many months we have worked on this legislation has been invaluable, not only to the committee but to this Member personally, and I want to thank the gentleman.

Let me also salute the other members of the subcommittee, Mr. DURBIN, Mr. SABO, Mr. PRICE, Mr. COLEMAN, Mr. FOGLIETTA, Mr. DELAY, and Mr. REGULA, for their valuable contributions. Also, I want to commend the chairman and ranking minority member of the Senate appropriations subcommittee for their efforts. Their cooperation and understanding made the task of resolving 187 issues in disagreement much easier than might otherwise have been the case.

I think most importantly, Mr. Speaker, I want to commend our fine and very valuable professional staff. We get a lot of the credit for doing what happens in the legislation, but it is the staff who spends the hours making preparation for hearings, making sure that the hearings have adequate and accurate transcripts, working on the myriad requests that come from Members and other staff, not to mention the great Nation of taxpaying people interested in the welfare of their transportation systems. Our staff is of high quality, of high caliber, and high professional standards on both sides of the aisle, and without their help this bill simply would not have occurred.

Mr. Speaker, the conference agreement appropriates $13.38 billion in new discretionary budget authority and assumes outlays of $34.9 billion, virtually identical to the subcommittee's section 602(b) allocation. The total obligational authority provided in the bill, including limitations on obligations and exempt obligations in the highway program, is $38.6 billion.

I want first to address the issue of high-speed rail. I know full well that this program is a very high priority within the administration. I know that some Members are disappointed that the conference agreement provides no funds for this new initiative. I am aware of comments that I am reported to be adamantly opposed to high-speed rail. That is not true. Let me repeat that. I am not opposed to high-speed rail. I am in favor of an incremental approach to high-speed rail. This conference agreement supports such an approach. It includes $225 million for the Northeast Corridor Improvement Program and an additional $195 million for Amtrak capital. The Northeast Corridor is the only high-speed corridor in the Nation. I believe the incremental approach should demonstrate the feasibility and economics of high-speed rail systems in a densely populated corridor before we finance routes around the country.

The principal reason we have not included funds for the high-speed rail initiative, though, is that the effort is not authorized. Let the committees of legislative jurisdiction complete their work and enact an authorization, and we on the Appropriations Committee will reconsider the issue. The potentially difficult matters such as freight railroad company liability and any requirements for prevailing wage rates should be resolved in the authorization process before money is provided for the program.

I would like briefly to address some of the major provisions in the bill.

It provides $17.6 billion for the Federal-aid highway program, an increase of $2.26 billion above the 1993 level, and that surely should be a welcome improvement to our infrastructure and to the creation of jobs.

It provides $2.4 billion for transit formula grants, an increase of $700 million above last year.

It provides $1.785 billion for transit discretionary grants, as follows: $357 million for buses and bus facilities, $760 million for rail modernization, and $668 million for section 3 new fixed guideway systems.

It provides fewer earmarks for special projects and allows greater discretion for the Department of Transportation.

We have included $100 million in unallocated funds for buses and bus facilities and $45 million in unallocated funds for section 3 new starts.

We have appropriated less than half as much for specially earmarked highway projects as was done in 1993. We have provided no funding for unauthorized, airway science projects which direct funds to specific colleges and universities.

This has been a reform effort. This is a reform bill, and we will continue that effort next year as we approach our task in the further development and utilization of economically based criteria for the use of the taxpayers hard-earned dollars.

In line with the recommendation in Vice President GORE's Reinventing Government effort, the bill prohibits essential air service in communities less than 70 miles from a large or medium hub airport and with subsidy costs more than $200 per passenger, with certain exceptions.

The bill provides $1.69 billion for the FAA's Airport Improvement Program and it provides for the use of the airport priority status list for the last time.

We have included $4.58 billion for the operation of the Federal Aviation Administration including $15 million to continue the pay demonstration program through June 1994.

We have provided $2.57 billion for operations of the Coast Guard, reflecting 98.5 percent of the amount requested.

Mr. Speaker, additional details of the bill are addressed in the conference report and joint explanatory statement of the managers.

Finally, Mr. Speaker, I should mention one item agreed upon by the conferees that was inadvertently omitted from the conference agreement. It concerns the right-of-way revolving fund within the Federal Highway Administration. The statement of the managers should have indicated that the conferees agree upon the distribution of funds contained in the House report. Specifically, it is agreed that $2.5 million is to be used for the Neuse River bridge in North Carolina and $4 million for the Yuba City bridge in California.

Mr. Speaker, this agreement is a balanced compromise that protects the major provisions and interests of the House-passed bill. It has been developed in a bipartisan fashion with full participation by our conferees from the other side of the aisle. There have been certain major compromises and tough decisions to get us to this point. I believe the conference report deserves the Members' support and I strongly urge its adoption.

□ 1110

Mr. Speaker, I reserve the balance of my time.

Mr. WOLF. Mr. Speaker, I yield myself such time as may be necessary.

Mr. Speaker, I rise in support of the conference report on H.R. 2750.

Mr. Speaker, I want to commend the chairman of the subcommittee, the gentleman from Michigan [Mr. CARR], for his leadership and also, I might say, his persistence in bringing this conference report to the floor today after a number of challenges to the bill.

I think it is important that I say, if the gentleman does not want to say it himself, that I think history will demonstrate that what the chairman has done has made a difference and has made this committee better for it, as well as the entire Congress, and that is to develop criteria that we can look at for evaluating a project. We never had that, and now that this battle has taken place between the authorizing committee and the appropriation committee, it is my understanding that the authorizing committee will now have it, and this is positive. So whether it is in their bill or in our bill, I think the credit should be given to the gentleman from Michigan [Mr. CARR].

Second, it will do a number of other things, such as rescissions and things like that that for years never were talked about here. That precedent has now been established.

So I think the Congress ought to thank the gentleman from Michigan [Mr. CARR] not only for this bill but also for really developing a whole new path, if you will, that hopefully other authorizing committees and appropriation committees will develop.

Without dwelling on the past, it need to be noted for the record that many transportation initiatives included in the original committee legislation fell victim to procedural disputes.

One example that comes quickly to mind is the request brought to us by the gentlewoman from Florida [Mrs. FOWLER] concerning assistance in repairing a large crater on an interstate bridge in Jacksonville. This was an urgent safety problem, and I wish the committee could have assisted her. I think it is important that her constituents in Jacksonville know that no one worked harder than the gentlewoman from Florida [Mrs. FOWLER] on this issue, and I am hopeful, after talking to the ranking member of the Committee on Public Works and Transportation, the gentleman from Pennsylvania [Mr. SHUSTER], who is a fine Member, that the Committee on Public Works and Transportation will deal with Mrs. FOWLER's problem, because it is a serious problem, and I appreciate their willingness to look at it and help her.

There are numerous other examples of requests for assistance with critical transportation problems which will go unmet for this fiscal year. Obviously we regret that, and I want to express my hope that next year we can put aside individual prerogatives of both the authorizers and the appropriators and instead perhaps deal with some of these critical problems.

Despite the setbacks, there is much to talk about that is good with regard to this bill. The conference report provides for $34.9 billion to fund needed improvements in our Nation's transportation infrastructure. This includes all modes of transportation: highways, transit, railroads, and aviation. I believe that H.R. 2750 represents a good balance among the transportation modes. This balance is especially critical to the urban areas of our Nation that have difficult times with traffic and gridlock.

In allocating limited resources to provide for the Nation's mobility, the committee has tried to achieve the highest use of taxpayers' dollars.

In addition to helping the Nation move people and goods as efficiently as possible, the bill also seeks to do it as safely and as humanely as possible. The bill provides for the search-and-rescue efforts of the U.S. Coast Guard. It provides for the finest air traffic control system in the world, and for so many other things that are important to the country.

The bill also includes measures to hopefully prevent oil spills that often not only destroy fragile wildlife ecosystems, but people habitats as well.

There is another measure in the bill that I feel an obligation to tell our colleagues about and let them know that it is in this legislation. I am speaking of the provision which will provide $150,000 to pay the legal expenses of the five White House Travel Office employees who were placed on administrative leave in the so-called Travelgate affair. In this matter—and I might say one of these individuals involved is a constituent of mine—Federal employees were accused of a crime, fired from their jobs without just cause, and publicly criticized for political gain. This then left these five career employees unemployed and saddled with thousands of dollars in legal fees. They have since been unfired and promised comparable jobs, but there is no current mechanism for ensuring them help with their legal bills.

I will also say that I will be introducing legislation to deal with this dilemma should it take place in the future. I plan to propose rectifying this problem with an amendment to the Back Pay Act, which currently only permits an employee to recover attorney fees if he or she has suffered a monetary loss. Since the five Travel Office employees were quickly reinstated once the White House got caught up in the media glare of this embarrassing goof, these employees have not suffered pay loss and are, therefore, ineligible to recover legal fees. Never mind that they have been substantially harmed in reputation and standing in the community through all the adverse publicity. And I might say that all of them have legal fees in the range of $30,000.

I have one last thing, and I want to be very careful as I say this, because I feel an obligation to the body and particularly to a constituent and to all Federal employees that could get caught up in this: I think someone from outside should look at this issue. The reason is that I just have an innate sense that some in the White House are looking to bring about a charge, perhaps a criminal charge, with regard to these individuals in order to say, "See, the reason we did this is because of this."

But I think the chairman of the subcommittee for being willing to help these Federal career employees with regard to this matter.

I would be remiss if I did not recognize in closing, Mr. Speaker, the long hours and yeoman work that have been provided by our staffs. I want to thank Del Davis, Rich Efford, Cheryl Smith, and Linda Muir of the majority staff, and Jan Powell and John Blazey of the minority staff for their work in bringing this bill to final passage.

In closing, Mr. Speaker, I want to again let our colleagues know that the work that the gentleman from Michigan [Mr. CARR] has done will, I think, live on long after this bill and will be helpful in other appropriation bills, but particularly and perhaps even more importantly, in other authorization bills.

Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Speaker, I appreciate the distinguished gentleman from Virginia yielding time to me, and I would like to engage him in a colloquy.

As the gentleman knows, last December the National Highway Traffic Safety Administration issued regulations requiring red and white reflective devices on the sides and backs of trailers with an overall width of 80 inches or more and a gross vehicle weight of more than 10,000 pounds. I understand the rule is effective on December 1, 1993.

Mr. WOLF. Mr. Speaker, if the gentleman will yield, let me state that that is my understanding.

Mr. TALENT. Mr. Speaker, these regulations were promulgated in response to section 15 of the Motor Carriers Safety Act of 1990. That section directs the Secretary of Transportation to initiate a rulemaking that would make trucks more visible to motorists. The section did not mandate specific reflective materials or colors but was intended to permit flexibility for the owners and operators of the trailers.

Nevertheless, the Department mandated that all truck owners be required to place red and white stickers on their trucks.

Earlier this year, several organizations representing the trucking industry petitioned the Department to delay

implementation of this regulation for 6 months so that they could propose alternative colors to red and white.

□ 1120

These alternative colors would accomplish the same goal as the red and white stickers; in fact, there is some evidence that these colors would be easier for motorists to see.

Would the gentleman from Virginia [Mr. WOLF] support this request to work with the department to gain a reprieve in implementation of these regulations so that a compromise can be reached?

Mr. WOLF. Mr. Speaker, if the gentleman would yield, I am not a safety expert, but I think the gentleman makes a valid point. And I am interested in this issue. As the gentleman may know, I am working with the Federal Highway Administration on a truck safety initiative on the Capital Beltway because we have had so many accidents with regard to trucks and also death. I do not know the answer to this dilemma. But since we do not have an appointed NHTSA Administrator, I would urge Secretary Pena to sit down with the trucking industry before this regulation takes effect. I would hope this matter could be worked out in a way that does not compromise highway safety, but in fact enhances highway safety.

Mr. TALENT. Mr. Speaker, I know of the gentleman's fine work in that area. I look forward to working with the gentleman, and thank him for yielding.

Mr. CARR of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. PRICE], a veteran member of the subcommittee.

Mr. PRICE of North Carolina. Mr. Speaker, I rise today in support of H.R. 2750, a bill making appropriations for the Department of Transportation and related agencies for fiscal year 1994.

I want to begin by commending our chairman, BOB CARR, and the new ranking minority member on this subcommittee, FRANK WOLF, for their work this year. Mr. CARR and Mr. WOLF have continued the bipartisan tradition of this subcommittee, and the conference agreement reflects this spirit of cooperation and comity. I also want to thank the fine professional staff of this subcommittee, Del Davis, Rich Efford, Linda Muir, and Cheryl Smith for their critical contributions to this bill.

Mr. Speaker, the bill before us today increases the efficiency and effectiveness of the Federal investment in transportation. These investments are critical to economic growth in our country; without them, our roads would be more congested and less safe, our airways more dangerous, and our public transportation less efficient.

I am particularly grateful for the recognition of North Carolina priorities in this bill. Under the bill, highway planning and construction, public transportation, and railroad travel in North Carolina will be improved. North Carolina is trying to meet the challenges posed by its diverse economy and geography, and I am glad the committee has been supportive of their transportation goals and needs.

The bill also responds to our Nation's pressing need to reduce the Federal deficit. The bill is almost $1.5 billion below the administration's request for transportation spending. This has made it necessary for the committee to make some tough decisions and set some real priorities.

In setting these priorities, the subcommittee took a number of other steps critical to improve transportation decisionmaking in this country. The Coast Guard, which has had difficulty measuring the impact of their work, is directed to develop better methods of evaluating their performance. The research and development budget of the Coast Guard is particularly inadequate in this regard, and the subcommittee has devoted particular attention to developing performance measures in this area.

The subcommittee also made the decision not to fund the airway sciences program. I have been concerned to improve education and training programs in technology fields in this country, but I feel that this particular program has lost its sense of purpose. It has been used by some to fund projects that do not deserve to be in a transportation, or for that matter an education, bill. Until this program can regain its integrity, it does not deserve funding.

In closing, I urge my colleagues to support this conference report. It is a good bill and one which will make key transportation investments in a cost-effective manner.

Mr. WOLF. Mr. Speaker, I yield 7 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding. The gentleman from Virginia [Mr. WOLF] and the chairman, the gentleman from Michigan [Mr. CARR], have worked long and hard on this bill. I would just point out from the standpoint of an authorizer and somebody who watches this that there are a couple of problems I do have.

Mr. Speaker, we are $2.3 billion in increase over current spending, which is a 6 percent increase, which gives some of us some pause. Also there are a couple of areas that I think give me a little bit of concern.

We are above the House-passed level on the mag lev. You have got $20 million in here out of the general fund for the magnetic levitation system, when the House-passed had zero in it.

For the intelligent vehicle highway system research, you are funded at $90.3 million, which is $56.3 million over the available authorization and $4 million over the House-passed version. In that particular instance, I am particularly concerned that we are pretty far over where the authorization level is.

Then when I looked down through there and found $57 million of unauthorized, or I should not say unauthorized, of unrequested highway project earmarked money for the Appalachian corridor improvement project, that also gave me a little bit of concern, because I know the chairman has been very concerned about the whole business of earmarks. Here we are allowing the Senate then to come back and throw an earmark into this bill. That, I think, is really a matter of concern.

Then, finally, I am concerned about the $908.7 million for Amtrak and the related subsidies to that, which is $210.7 million over the House-passed version of the bill and $71.6 million over the request.

I say that as someone who in the last week or two has been faced with an Amtrak decision to close down rail service in my area that is not getting a Federal subsidy. Because what has become apparent to me in the course of dealing with them is this is a railroad being run for the subsidies, not as a business. When we start increasing the levels of these subsidies, what you are doing is just making Amtrak even more dependent upon the subsidy system.

Mr. Speaker, let me give you something that came out of a meeting that I had with them just a couple of days ago that really gives me cause for concern. They suggested in that meeting that they would rather carry 1 passenger 3,000 miles than 3,000 passengers 1 mile; that from the standpoint of their railroad, they think that they can make more money with a system carrying 1 passenger for 3,000 miles.

Well, that may be true, if what you are doing is running a railroad designed to pick up subsidies as you run out across the country. It certainly has no relationship to how rail service is going to have to be run in the country to be an integral part of a real transportation system. Because I will tell you, as the chairman well knows and other Members who have looked at transportation, the only way you make money in transportation is with business travelers, and you do not have business travelers getting up in the morning in my district in Lancaster or Westminster, PA, saying to themselves, "I have business in Chicago; I think I will take the train." They may get up and say, "I have business in New York City; I think I will take the train," or "I have business in Harrisburg; I think I will take the train," or "I have business in Boston; I think I will take the train," or "I have business in Washington; I think I will take the train."

Mr. Speaker, that is where the money can be made, with the business travelers. That is what we should be helping, and that is what we are not helping when we subsidize in the way we are doing here and encourage Amtrak to believe they are better off carrying 1 passenger 3,000 miles than 3,000 passengers 1 mile. This is not a railroad being run to make money, if that is the case.

Mr. CARR. Mr. Speaker, will the gentleman yield?

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

Mr. CARR. Mr. Speaker, I thank the gentleman for yielding. The gentleman has put his finger on a problem our committee has faced. We have a ways to go. But our committee has had discussions and hearings on these issues. I think we have turned the corner. That is a reference to the kind remarks made by the gentleman from Virginia [Mr. WOLF], and I thank him.

For too long we have looked at transportation funding not so much as funding transportation, but as a jobs program or as an economic development program or for some other good cause. Our committee this year has sought to rein in that type of thinking. We have a lot of work to do, because turning that ship will take several miles. It will not happen on a dime.

But I thank the gentleman from Pennsylvania [Mr. WALKER] for his recognition that we have started that effort. To the best extent that we know how we are requiring project sponsors who come before us to provide data on criteria that will determine the economic rate of return of the project involved to the economy. We will be providing less subsidy, or, if there is a subsidy, to make sure that it is more precisely targeted.

One of the challenges we have in our democratic society is that everybody seems to want a little piece of the action, regardless of whether or not they can put together an economically viable, operable segment of anything. So everybody wants a little Amtrak route; everybody wants a little highway; everybody wants a little high speed rail route; everybody, but maybe those in Nebraska, want a port.

□ 1130

Mr. WALKER. Let me say to the chairman, though, that the concern that I have in this particular instance on Amtrak is that the stations that we are talking about them running between where they are going to reduce the service, one of them is the 20th busiest station in the country; the other is the 4th busiest station in the country. What they are suggesting is they cannot make money on those lines. And when we take a look at their fare structure, one of the reasons why they are not making any money on the railroad is because their fare structure does not reflect realities and is, in fact, designed in a way that only increases their ability to get subsidies.

I would suggest to Members that most businessmen would probably figure out a way to take some of the busiest stations in terms of passenger travel in the country and make money off that line. Amtrak does not seem to be capable of doing that and, instead, would rather come to the Congress, come to State legislatures or come to State departments of transportation and say to them, "Give me subsidy money instead of asking me to run a real business."

Mr. WOLF. Mr. Speaker, will the gentleman yield?

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

Mr. WOLF. Mr. Speaker, I am very aware of the line the gentleman is talking about, having been raised in the Philadelphia area, coming out of Harrisburg, going through Lancaster and going down the mainline. And that should be one of the most profitable routes. I think the gentleman makes a valid point. I will be glad to work with him, with Amtrak, whatever way we possibly can, but those lines clearly should be very profitable, should not be lines that should be canceled.

I think some of the more long distance lines, where airlines can serve them, and there are not that many riders, so to cancel routes from Harrisburg to Philadelphia 30th Street Station is just not really appropriate.

If we can help, I will be glad to.

Mr. WALKER. Mr. Speaker, I thank the gentleman very much.

Mr. WOLF. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this Transportation appropriations conference report.

I might respond to the gentleman from Pennsylvania, his concerns are very valid, but I also have got to say, because of the actions of this House, our subcommittee was put at a very distinct disadvantage in negotiating with the Senate, that the Senate actually got to write the bill. And then we had to negotiate down from what the Senate bill was.

I think Members really have to take note and evaluate what happened in the House with this bill and be very careful in the future, because I know my chairman and my ranking member are going to be very careful, as they always have been, in presenting this bill next year and understand that unless the Committee on Public Works and Transportation passes a bill that takes care of some of these authorizing type problems that we had earlier with this bill, we are going to visit this again where we are put, as a House, at a disadvantage with the Senate.

I might say to the gentleman from Pennsylvania, I do not want any money for maglev. I do not think we ought to be involved in maglev, but the Senate has $107 million in their bill for maglev and through the great negotiating techniques of our chairman, he brought it down to 20 million. In essence, I guess with our kind of doing numbers in this place, we saved $87 million by negotiations by our chairman and ranking member.

Developing this bill over the last 9 months has been interesting, to say the least. There have been all these battles won and lost both in committee and here on the House floor.

Regardless of this legislation's colorful and memorable past, the conference report this committee brings before the House today is, I think, a good one, a conference report that funds mobility projects nationwide and strengthens our Nation's transportation infrastructure.

I would like to take a brief moment to say that it has been a pleasure working with my chairman, BOB CARR and my ranking member, Mr. WOLF. Both of these gentleman, new to their positions, have done yeoman's work crafting this legislation, and I certainly appreciate their efforts.

I also appreciate the efforts of the staff who have had to do incredible work, the staff on both sides, in order to bring this bill to the floor. Our conference proceeded smoothly compared to years past and I attribute that efficiency to the hard work of the Chairman and Ranking Member and the staff.

With that said, I would like to talk about several projects and programs that are of interest to me and my district.

Houston is the leader in mass transportation and intelligent vehicle highway systems. These systems serve as a model for the rest of the Nation. Houston's regional bus plan, which is funded in this bill, boasts one of the lowest cost per new rider index figure in the Nation. This project is the backbone of the city's intermodal infrastructure. Intelligent vehicles, roads and transit vehicles will very much be a part of our Nation's transportation future. It is only fitting that Houston also has the most technologically advanced traffic management program in America. Further, the city is well known for having one of the most efficient and cost effective enhanced street maintenance programs, neighborhood infrastructure systems such as hike and bike trails and street and sidewalk improvements in America.

As you can tell from that list of transportation programs, unlike many other cities in this Nation, Houston addresses its transportation efforts in a complete and comprehensive manner. They don't just look at one problem area and try to fix it by pouring money

into a black hole. Each project and program is carefully thought out and fit together. It is this comprehensive philosophy that has enabled Houston to provide the best service for the lowest cost. I recommend their efforts.

Mr. Speaker, Houston is in the process of constructing the most state of the art transportation plan in the Nation and probably the world. For that I am proud of the convictions the people of Houston have shown by supporting this program and I am proud to represent the transportation interests for the Houston area and the rest of the Nation. I sincerely hope to have the distinct opportunity to assist Houston in the future with their transportation goals and objectives.

Mr. WOLF. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. BONILLA].

Mr. BONILLA. Mr. Speaker, first of all, I want to commend Chairman CARR and Mr. WOLF for their hard work and leadership in laying the groundwork in developing a specific, investment-based criteria for evaluating requests for transportation related projects. I believe that the Federal Government should only fund those projects that contribute to economic growth and avoid those that are not sound investments.

I believe the recent action by Chairman RAHALL in asking 18 specific questions before authorizing any future transportation projects can be directly attributed to Mr. CARR's subcommittee's efforts. I applaud Mr. RAHALL's action and look forward to working with him on projects in Texas that meet those standards.

This bill is a good bill. This bill appropriates a reasonable amount of dollars to help build our Nation's infrastructure. Let me provide an example of how this bill creates jobs and fosters economic growth.

The Laredo intermodal transit center is part of a two-part project, consisting of a bus maintenance facility and an intermodal transfer facility. The downtown intermodal transit center will serve to only the city of Laredo bus system, El Metro, but also the Webb County rural transportation program, El Aquila; also private interstate carriers such as Greyhound; and Mexican carriers such as Transportes del Norte. It is a true hub project for the region, as well as a national and international facility.

The proposed facility will also include a much needed downtown park and ride station that will accommodate 500 vehicles, and when completed will serve almost 20,000 passengers daily. It will create over 250 jobs and will help revitalize the historic downtown central business district in Laredo.

The total project has been fully planned and designed. All local, State and Federal environmental clearances have been obtained, all other permits and clearances, including section 13-C certification from the U.S. Department of Labor, have been secured, and the proper notices and other procedures have been taken to acquire the privately owned land needed for the project.

The total cost of the transit center is $12 million. Of that amount, $4 million will come from local funds, $1 million has already been allocated by the State of Texas, and the remaining $7 million will come from Federal sources.

In April 1992, the city received a grant from the Federal Transit Administration discretionary funds of $3 million for the bus maintenance facility portion of the project but no Federal funds for the transit center. Instead, DOT issued, in May 1992, a letter of no prejudice for the $7 million Federal share of the transit center.

The city of Laredo has already received voter approval for a dedicated sales tax increase to pay for its share, the bonds have already been sold, and the city is fast approaching the deadline to begin spending these funds. This project can go forward and create jobs once we pass this year's appropriations bill.

I would offer this project as a model for the future of transportation projects. It met a series of goals and economic conditions that finds support at the local, State, and now Federal level. I hope all future transportation dollars have to meet a few criteria in order to ensure that the American taxpayers get the most cost-effective bang for their transportation buck.

□ 1140

Mr. WOLF. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CARR of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in a few minutes we will be voting on the conference report. I urge all Members to give it their support. To those who looked at our handiwork and found that we came up short, I would only make the following observation. As human beings, we are intimately involved with our own physical movement. Whether it is crawling, walking, or running, it represents our individuality, it represents our freedom. Through the ingenuity of mankind, we have managed to leap some barriers in terms of speed and altitude and comfort. Indeed, transportation has assumed a passionate place in the hearts of Americans and people throughout the world.

We even talk about it in those terms. We have the romance of the rails, and we write songs about the trains, "The City of New Orleans" and "The Wabash Cannonball." We are consumed by the challenge of the skies and space, and we write songs about the wild blue yonder.

We have a love affair with motor vehicles. In my own hometown, we build Oldsmobiles which have been immortalized in "Merry Oldsmobile", the old song. We have fantasies about life and adventure on the seas. We dream, and we dream visions about transportation and the horizons and the barriers that we are going to break.

Every once in a while those visions get ahead of the resources and the dreams get ahead of economic reality. While this committee dreams and has visions, too, about what might be in America and in transportation, it falls to us to be the committee of economic reality. The country and the Congress give us a certain amount of resources to divvy up in any particular year. This committee has done it with a great deal of dedication and a great deal of forethought, taking care of today's needs while pointing us in a direction for the future.

Even for those who wished we could have done better, and even to those who thought we did not crash enough barriers to the future, we would kindly ask for their support.

Ms. FURSE. Mr. Speaker, I rise today in support of the conference report on H.R. 2750, appropriations for the Department of Transportation and related agencies. I have long been an avid supporter of investment in our Nation's infrastructure, and believe that this bill will help us move in the right direction. Chairman CARR and all the members of the subcommittee deserve credit for the long hours they worked in preparation for today. I also want to pay a special thanks to the dean of our delegation, Representative WYDEN, who was so helpful to me in support of Westside Light Rail here in the House. I can't thank him enough for his leadership and guidance.

While there are many accomplishments in this bill worthy of note, I want to speak for a moment about a project that is so important to my region of the country: Westside Light Rail. The bill before us today contains $83.5 million in section 3 funds, and contains a provision which allows funds previously appropriated, but not spent, for another rail project in the Portland area to be used for Westside Light Rail in Portland. In total, the bill before us will provide $97 million for Westside Light Rail in fiscal year 1994, one of its most critical funding years. While this amount is $7 million below the level designated by the Federal Transit Administration as a sufficient sum, I am extremely pleased that the conference committee went the extra mile to maximize funding—even in these difficult budget times. It is also my understanding that we will be eligible to compete for the Secretary of Transportation's discretionary account to make up the difference.

Since I came to Washington in January, making sure that funding for Westside Light Rail stays on track has been one of my top priorities. In its final form, Westside Light Rail will stretch 18 miles from downtown Portland to Hillsboro. In terms of pure numbers, it is estimated the project will create 1,700 family-wage jobs during construction with an economic impact to the State's economy of over

$2.1 billion through the year 2000. Builders and propertyowners also benefit from this project, as propertyowners near the railline report higher occupancy rates and faster leasing rates than owners not on the line. Two large-scale development projects in our area built in conjunction with the existing light railline, the Oregon Convention Center, and the new Trailblazer Arena, will bring over $1 billion in new investment to Portland. These figures, in and of themselves, are compelling.

More importantly, in my view, is how important Westside Light Rail is to the future of the Portland area and our quality of life. In Oregon, we are fortunate to have some of the best land-use planners in the Nation. We desperately need their expertise as our region prepares for an expected influx of 500,000 new residents over the next 20 years. Westside Light Rail is a vital part of that important plan, and will help maintain our quality of life by reducing congestion and improving air quality. Having spent a good portion of time in traffic along the Sunset Highway—Highway 26—myself, along with communications from my constituents about their similar experiences with congestion in that area, Westside Light Rail will help provide some relief. As a matter of fact, the topography of the region makes Westside Light Rail virtually the only option. Specifically, the project is designed to eliminate bottlenecks on Highway 26 between the Metro Washington Park Zoo and Cedar Hills Boulevard, and on Highway 217 between Highway 26 and Canyon road.

My predecessor, Les AuCoin, worked very closely with now-Chairman MINETA of the House Public Works and Transportation Committee to authorize Westside Light Rail in the Intermodal Surface Transportation Efficiency Act [ISTEA] in 1991, and then with his colleagues on the Appropriations Committee to ensure that the necessary funds were available to ensure timely construction. Before I was elected to Congress last fail, I learned that Westside Light Rail funding was not set in stone and depended on an annual appropriation from Congress. At any point in the process, Congress could either reduce or eliminate funding and put the money somewhere else. With the Nation's budget strings getting tighter and tighter, and Mr. AuCoin no longer in this body—no one from Oregon on the Appropriations Committee at all—I knew it would take an extra level of effort to keep Westside Light Rail on track. I also knew that this year's appropriation was particularly important because virtually every major element of Westside Light Rail construction will be under contract at some point during 1994. With so much on the line for a project that is so important to the people who elected me, I decided I would advocate the cause of Westside Light Rail at every opportunity within the House of Representatives.

Less than a month after I was sworn in as a Member of Congress, I personally contacted President Clinton about the Westside project's importance to our community. In February, I testified before the Public Works and Transportation Subcommittee on Economic Development to ensure that Congress was aware of the importance of Westside Light Rail to our economy in Oregon, and what a vital role it has in planning for our region's future. In March, I held a briefing with Representative WYDEN for the entire delegation to learn about the future of Oregon's largest public works project from the people who work on its advancement on a daily basis. Throughout March and April, I personally sat down with every majority member of the Transportation Appropriations Subcommittee and explained in detail where Westside Light Rail was at in terms of budget and construction, and tried to get across to them the importance of this year's appropriation.

During the first week of May, I invited former Hillsboro, OR, Mayor Shirley Huffman and Tom Walsh, general manager of Tri-Met, to come and testify with me and Representative WYDEN in front of the Appropriations Subcommittee on Transportation. They all did a great job, and I followed up their testimony by meeting with Chairman CARR later in the month. I must say, Mr. Speaker, that Chairman CARR and I had a very lively discussion concerning transportation policy in general and Westside Light Rail in particular. I followed up our meeting with a letter to ensure that he was fully aware of our position on a few concerns he had raised. I also worked with Tri-Met officials to ensure that Westside Light Rail's response to the Transportation Appropriations Subcommittee investment criteria was timely and well-received. They deserve credit for their efforts, and it is my understanding that their work was one of the top responses in the country by a transit district.

The hard work by everyone paid off in June, when the House passed Westside Light Rail at its highest level ever, despite the fact the section 3 account was cut by over 18 percent. The figure was even higher than the total amount passed for fiscal year 1993; next to Los Angeles, Portland received the highest amount of light rail funds. Obviously, the subcommittee heard the message I was trying to get across for a number of months: Westside Light Rail is the single most important public works project in the first district of Oregon, and a vital community development undertaking with important ramifications for the entire State.

With Westside Light Rail in the hands of the Senate, I worked to solidify the Oregon delegation's support of the project. Senator HATFIELD worked diligently, as he always has on Westside Light Rail, to champion this cause on the Senate side. I must pause a moment to commend Senator HATFIELD's commitment to this project. The Senator and I have talked often—and often at great length—about the importance of this project to my community. I am so grateful to him for all of his efforts, and want it stated for the record how personally grateful I am for his efforts. With Senator HATFIELD's work paying dividends in the Senate, I organized a delegation letter to the conference committee to urge that Westside Light Rail be funded as close as possible to the amount specified by the Federal Transit Administration. I was so pleased when the entire delegation supported my efforts. Just yesterday, I was at the House Public Works and Transportation Subcommittee on Investigation and Oversight to testify on how the Westside Light Rail has been a model of ISTEA implementation, letting more and more decisionmakers know about the good work going on in Oregon.

The end result of all this, Mr. Chairman, is that the $97 million for Westside Light Rail in Portland, OR, contained in the conference report is proof that relentless advocacy can bring results. I have long believed that much can be achieved through hard work and determination. I am fortunate to have so many good people working with me in this cause in Oregon at all levels: Good people at Tri-Met working on Westside Light Rail everyday, good people at the State level making sure Westside fits into our statewide plan, and good people at our local metropolitan planning organization advancing the cause regionally. Faced with an array of problems in Oregon, well designed and executed planning is so critical to our collective future. I thank all of them for their hard work.

I thank Chairman CARR for his leadership on transportation issues, and the time he took with me personally as a new Member of Congress. I look forward to working with him on issues in the future. In addition, I also want all members of the subcommittee who were quite gracious as I badgered them endlessly about Westside Light Rail; I thank them even more for listening and action on our discussions. Today marks a good day for Westside Light Rail and the future of the first district, and I urge my colleagues to support the conference report on H.R. 2750, 1994 Transportation appropriations.

Mrs. MORELLA. Mr. Speaker, I rise in support of the Department of Transportation fiscal year 1994 appropriations conference report. It contains $200 million in funding for the Washington Metropolitan Area Transit Authority, which will allow WMATA to continue its fast track construction plan for Metrorail. I testified before the Transportation Subcommittee in May, 1993, that the fast-track program will generate over 1,000 new jobs in heavy construction in this area alone. Metro is working to bring the full 103-mile system into revenue-generating operation by the year 2001, 5 years ahead of schedule. My congressional district will see the completion of the red line to Glenmont by mid-1998.

The Clean Air Act requires the Washington region to meet Federal ozone standards by 1999. Vehicle emissions account for approximately two-thirds of the area's hydrocarbons and a little less than 40 percent of the nitrogen oxides, principal ingredients of ozone. A completed Metrorail system will assist with getting cars off the road and meeting the clean air mandate, as well as conserving energy.

I thank the conferees for their consideration of the needs of Montgomery County, MD. This conference report includes $1 million to assist the county with expanding the Intelligent Vehicle Highway System [IVHS] and in designing the Silver Spring Intermodal Facility, which will eventually link the Maryland Commuter Rail [MARC] with Metrorail. MARC, the State's most rapidly growing transit service, has also received $23.5 million for its continuing improvement program. In addition, the Maglev Program will be funded at $20 million for research and development.

Finally, Mr. Speaker, I strongly support the increase in section 402 State and community highway safety grants. This year's total $123 million includes $8 million to be targeted to reduce underage drunk driving. This $8 million

will supplement, but not supplant, the States' current level of funding in this area. In March 1993, the National Transportation Safety Board recommended that measures be taken by the States to deal with the young high-risk driver. This additional funding will assist States in implementing such measures as provisional licensing for minors, promoting increased seatbelt use, and initiating staff penalties for selling alcohol to minors. This is a welcome increase in the safety grant programs, but it is appropriations for 1 year only. Legislation introduced by our colleague, FRANK WOLF, would authorize programs for the high-risk driver. I am a cosponsor of the bill, H.R. 1719, and urge my colleagues to consider cosponsoring it. This increase for fiscal year 1994 will save lives and H.R. 1719 would continue the work begun this year. I thank the appropriators for their hard work to complete the fiscal year 1994 Transportation appropriations.

Ms. VELASQUEZ. Mr. Speaker, I rise today in support of the Transportation and related agencies conference report, H.R. 2750. This bill will help our Nation's infrastructure and provides for the future development of roads and highways so important for our cities. However, I want to express my dissatisfaction with a provision in the bill, inserted in the Senate that will have a devastating impact on my constituents and the city of New York.

Mr. Speaker, section 324 of the fiscal year 1985 Department of Transportation Appropriations Act required that tolls collected on the Verrazano Narrows Bridge, connecting Brooklyn and Staten Island in New York City, be collected only from cars leaving the bridge on the Staten Island side of the bridge. The oneway toll, established in 1986 as an experimental and temporary program was reimposed in the fiscal year 1993 Transportation appropriation bill and will be extended in this year's legislation.

This ill-conceived experiment has been responsible for a tremendous rise of air pollution on the already overpolluted communities in Brooklyn and lower Manhattan, and has caused the traffic to become gridlocked and impossible to cope with. Furthermore, the commercial and residential areas of lower Manhattan have been severely depressed causing economic hardship for thousands of hard-working families in my district. This disastrous policy is accountable for losses of up to $70 million in toll revenues. In times of economic hardship and budgetary cuts, these funds are badly needed to keep and develop our transportation infrastructure.

The State of New York is having trouble complying with the provisions of the Clean Air Act, trouble caused in part by the hot spots created by increasingly heavy traffic due to the oneway toll. Extending this policy will make future compliance with the Clean Air Act almost impossible. If the city of New York fails to meet the goals of the Clean Air Act, we will lose billions of dollars in Federal aid in transportation and will continue to place our constituents' health in jeopardy.

Mr. Speaker, this is an environmentally and economically disastrous policy for the city of New York. We should work to end this Federal mandate and return jurisdiction over the tolls to the local authorities.

Mr. COPPERSMITH. Mr. Speaker, I wish to discuss the use of recycled rubber materials, also known as crumb rubber modifiers, in asphalt pavements, in light of section 330 of H.R. 2750. Section 330 prevents the U.S. Department of Transportation from using any funds appropriated for 1994 to implement, administer, or enforce section 1038(d) of the Intermodal Surface Transportation Efficiency Act (Public Law 102-240), known as ISTEA. Section 1038(d) of ISTEA mandated that State departments of transportation, beginning in 1994, use minimum amounts of recycled materials in asphalt pavements, and increasing amounts of crumb rubber from scrap tires in future years.

Mr. Speaker, while section 330 was not at issue in the conference on this bill, I think it is important to understand that section 330 of this Transportation appropriations bill only affects the enforcement mechanisms of ISTEA's minimum use requirement. Section 330 does not alter the goal of section 1038; our policy still will encourage States to use crumb rubber products in highway projects.

This point is important because the benefits of using recycled rubber in asphalt pavements are numerous and well-documented. My State of Arizona has found that asphalt rubber, properly applied, makes longer-lasting roads in nearly every climactic and road condition throughout our State.

We face a growing environmental crisis. We discard millions of used tires annually in this country, and we have no established procedure for dealing with this huge volume of waste. Disposing of tires legally is expensive and often difficult to arrange. Citizens often find it easier to dump old tires than to arrange for legal disposal.

Improving access to legal tire disposal represents only a stop-gap solution, however. Fires can occur at storage facilities and may increase unless we develop and encourage other alternatives to dumping, such as recycling. As an aside, the environmental concerns presented when a small mountain of tires burn uncontrolled for days far exceed any effects claimed for use of crumb rubber in asphalt.

I am no great fan of Federal mandates on the States. However, the existing contracting system, fueled in great measure by Federal trust fund receipts, has failed to accept the environmental and road-quality benefits of crumb rubber technology. Section 1038 of ISTEA was designed to counteract foot-dragging; unfortunately, section 330 may only encourage it.

Mr. Speaker, we cannot afford to continue to ignore this technology. According to the House Public Works Committee, 235,000 miles of Federal-aid highways are in poor condition. If we must spend the billions of dollars required to repair our roads, we should demand that those roads be built to last. And if, as the evidence seems to indicate, crumb rubber technology lengthens the life of our highways, on top of offering environmental benefits, we cannot justify continued avoidance of this technology.

Section 1038 of ISTEA may have lost its teeth, but the intent and the need for that provision remain valid. States should seek to incorporate some significant amounts of recycled rubber in their highway projects. States also should not fear that using crumb rubber in a proposal will render their project ineligible for Federal funds. They only need fear what will happen when their roads do not wear as well as those of States that use crumb rubber technology.

I plan to raise the issue of use of crumb rubber modifiers when the Committee on Public Works and Transportation begins work on authorizing the National Highway System early next year. I believe we can reach a compromise that will encourage States to use recycled rubber not only in asphalt pavement but also in other creative highway applications. I look forward to working on this issue with the distinguished chairman of the Transportation Appropriations Subcommittee, as well as other interested Members, as that legislation moves forward.

Mr. MINETA. Mr. Speaker, this has been a long year for the Transportation appropriations bill. And while there obviously have been difficulties along the way, I think the result is a positive one.

We began with serious issues about inequitable distribution of resources, about unauthorized projects, about the rules of the House, about lack of cooperation and communication. But these problems have basically been resolved along the way. I wish they had been more easily resolved. I wish they had been resolved with less conflict and with less divisiveness. But they have basically been resolved. This conference report represents a great improvement in the equitable distribution of these limited transportation dollars. With respect to unauthorized projects, this conference report is without a doubt the cleanest Transportation appropriations conference report in years.

I think we have shown that working together, we can improve the way we do business around here. We have significantly cleaned up the process. And I hope we will continue to make improvement in the way we handle these very important decisions regarding investment in desperately needed transportation infrastructure.

I certainly pledge my continued efforts to achieve these improvements. I commend my friend, the gentleman from Michigan [Mr. CARR], for the substantial progress made in this conference report. I know that we will work together in a cooperative and open way in the future to try to continue to improve the process by which we make transportation investment decisions.

I support the conference report, and I urge my colleagues to do the same.

Mr. BORSKI. Mr. Speaker, I support the conference report on H.R. 2750 which will fund our Nation's transportation programs for fiscal year 1994 but with our huge needs for infrastructure investment, this bill does not go far enough.

Infrastructure investment, whether it is highways, transit systems or airports, is not simply another Government spending program. It is an investment in our Nation's economic future but in a shortsighted, pennywise pound foolish approach, we continue to place artificial restrictions on our transportation investment.

In fact, all of our major transportation investment programs—highways, transit, and airports—are being funded at levels below that requested by the administration. The highway and transit programs have been increased but

remain below the authorized levels. The Airport Improvement Program has even been cut $110 million below last year's funding level.

What makes this situation even worse is that these programs are, for the most part, funded through user fee supported trust fund programs. Reducing the level of spending from these trust funds doesn't aid in reducing the budget deficit. It merely builds up the surplus in the trust funds.

This past week we held hearings in the Investigations and Oversight Subcommittee on the Public Works and Transportation Committee in which we heard about the significant backlog in funding our highway and transit needs. We heard that funding below the authorized levels has, in many cases, made the Intermodal Surface Transportation Efficiency Act of 1991 an empty promise.

We heard that the surplus in the highway account of the highway trust fund is $8.9 billion and the surplus in the transit account is an astounding $10 billion, enough to fund the transit program at its current level for more than 2 years.

At the same time, we heard about the unmet needs of our Nation's transportation system. All levels of Government spent $36 billion for highways and bridges in 1991, $15 billion less than was needed to maintain current conditions. That means not only less economic activity from construction but less productivity and a limit on our ability to move people and goods.

Meanwhile, the transit industry estimates that its capital investment needs are more than $15 billion annually or three times our total Federal funding of the transit program.

I have no doubt that the Members of the appropriations did the best they could within the framework of existing budget process which treats all spending, for whatever purpose, exactly alike.

I am concerned, however, that this approach will continue to produce larger and larger balances in the trust funds while failing to meet our Nation's capital investment needs. I believe it is time for Congress and the administration to step back and look at the big picture of the level of capital investment needed to support a growing economy in the coming years.

Mr. BROWN of California. Mr. Speaker, I rise to commend Chairman CARR and the conferees of the House and the Senate for their efforts in making appropriations which will provide for a dynamic and progressive surface transportation program. This program will strengthen our transportation infrastructure and enable the United States to put in place a modern national system which will enhance the safety and mobility of every American in the future.

I especially commend the conferees in appropriating funds for the automated highway system [AHS] and the maglev prototype.

The AHS is a pure research and development effort which calls for the combined expertise of engineers of many disciplines. It's a long-term effort that has been endorsed by the Ford Motor Co. and General Motors. It is futuristic in nature and will not be ready for deployment until the year 2002. But this program will not be successful unless it is carefully managed under the Department of Transportation and properly supported by the Congress as originally intended in the ISTEA authorization bill, Public Law 102–240.

Unfortunately, the report language contained in the Senate report to accompany H.R. 2750, broadens the intent of the AHS Program as authorized. The Senate report language calls for research and development to be performed by multiple consortia. I appreciate the apparent frustration of the Senate in noting the AHS has not proceeded expeditiously, but we should recognize the change in the administration and maintain confidence in those who now oversee this effort. I also believe the Congress should leave the organization of the AHS to the Department of Transportation while holding them accountable for the success of the program.

The Senate report language also calls for the integration of all current intelligent-vehicle highway system [IVHS] technologies. However, no current IVHS system is applicable to the AHS. The AHS established under Public Law 102–240 requires the development, the invention, of new sensing and control systems.

At this point, I do not feel it necessary to go beyond the current program objectives, as authorized. They are:

First, develop a prototype system by 1997 to demonstrate AHS technical and systems performance and thereby determine necessary additional requirements;

Second, prove that the AHS system can enhance highway safety. This prototype would be the basis for continuing development to the commercial level around the year 2002;

Third, establish the cost and economics of the system after hardware has been made and tested so that the estimated cost can be realistic and not just paper guesswork and;

Fourth, perform human factors engineering to confirm the effectiveness of man-machine relationships.

I ask the conferees to proceed with the development of the AHS as provided for by the authorizing legislation in ISTEA. Public Law 102–240.

Mr. TOWNS. Mr. Speaker, I want to voice my opposition to amendment 172 which will mandate the continuance of one-way westbound toll collection at the Verrazano Narrows Bridge which connects the boroughs of Brooklyn and Staten Island. This provision will continue the already serious environmental problems, in my congressional district, which were first crated by an appropriations rider in 1986.

The environmental impacts caused by the one-way toll are indeed significant. Brooklyn, a borough, with much greater population and traffic density than Staten Island, has been forced to absorb additional traffic due to the toll's diversionary effects. The lion's share of this diversion has resulted in heavy trucks using the Gowanus and Brooklyn-Queens Expressways. This diversion has hastened the deterioration of roadway infrastructure, caused damage to private property, increased air pollution and noise, with the result that these communities have borne societal and economic costs of between $100 and $200 million a year for the last 6 years. The addition of these diverted vehicles has added pollution hot spots where the concentration of carbon monoxide exceeds the National Ambient Air Quality Standards. Moreover, the Gowanus and Brooklyn-Queens Expressways will have to be reconstructed over the next 10 to 15 years at a cost of $500 million. This reconstruction will also cause further hardship to residents in the adjacent neighborhoods of Boerum Hill, Brooklyn Heights, Carroll Gardens, Cobble Hill and Red Hook.

Moreover, this restriction has resulted in a loss of revenue for the Metropolitan Transportation Authority [MTA]. The Verrazano Bridge, operated by the Triborough Bridge and Tunnel Authority [TBTA], collected tolls in both directions from 1964 until 1986. The MTA has lost $12 million in annual revenues since the imposition of this one-way toll in 1986.

Mr. Speaker, I am sure you will agree the Federal Government should not be used to prohibit current negotiations, which are underway at the State level, to resolve this longstanding issue. I would hope that this bill will not continue to be used to block a New York State resolution on this toll dispute. This is clearly an issue which should be resolved without congressional interference.

Mr. CRANE. Mr. Speaker, the conference report before us today on the Transportation appropriations bill, H.R. 2750, contains a number of worthwhile provisions. Most important to my constituents in Illinois is the funding in the bill for the Wisconsin Central Commuter Rail Line that would establish commuter rail service with numerous stops between Antioch and Franklin Park, IL. Indeed, the Wisconsin Central Commuter Rail Line serves as a model for other proposals of this type. Its development represents a joint endeavor by State government, local communities, and METRA, who have each pledged their financial support to its completion and have continuously worked to pare down its cost. I was pleased to work with my colleagues on the Appropriations Committee this year in fully funding the Wisconsin Central Commuter Rail Line in the Transportation appropriations bill. Although this funding level was lowered in conference through the adoption of the $8 million appropriation in the Senate version of the bill, I believe that this amount represents a significant Federal commitment toward the establishment of commuter rail service in northeastern Illinois. For this reason, I would like to take this opportunity to thank the members of the conference committee for their work in this area.

Mr. CARR of Michigan. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. Pursuant to the order of the House of Monday, October 18, 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 having been read.

The Clerk will designate the first amendment in disagreement.

Mr. CARR of Michigan. Mr. Speaker, I ask unanimous consent that the Senate amendments numbered 1, 2, 3, 4, 5, 6, 7, 12, 13, 14, 21, 23, 26, 56, 122, 149, 154, 155, and 172 be considered en block and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The texts of the various Senate amendments referred to in the unanimous consent request are as follows:

Senate amendment No. 1: Page 2, after line 2, insert:

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, $1,173,000.

Senate amendment No. 2: Page 2, after line 2, insert:

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, $481,000.

Senate amendment No. 3: Page 2, after line 2, insert:

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $7,667,000.

Senate amendment No. 4: Page 2, after line 2, insert:

For the necessary legal expenses of the 5 former employees of the White House Travel Office who were placed on paid administrative leave during calendar year 1993, $150,000 to be made available to the Office of the General Counsel: Provided, That such funds shall be deposited in a Fund established by the General Counsel: *Provided further*, That the General Counsel shall disburse a portion of such funds to any such employee—

(1) after submission of a valid claim for reimbursement of necessary legal expenses incurred as a result of an investigation of the operations of the White House Travel Office during calendar year 1993; and

(2) upon notification or finding by the department of Justice that such employee is not a subject of such investigation.

Senate amendment No. 5: Page 2, after line 2, insert:

OFFICE OF THE ASSISTANT SECRETARY FOR TRANSPORTATION POLICY

For necessary expenses of the Office of the Assistant Secretary for Transportation Policy, $2,410,000.

Senate amendment No. 6: Page 2, after line 2, insert:

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, $8,000,000.

Senate amendment No. 7: Page 2, after line 2, insert:

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $2,826,000, including not to exceed $60,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine.

Senate amendment No. 12: Page 2, after line 2, insert:

CONTRACT APPEALS BOARD

For necessary expenses of the Contract Appeals Board, $602,000.

Senate amendment No. 13: Page 2, after line 2, insert:

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $1,430,000.

Senate amendment No. 14: Page 2, after line 2, insert:

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $934,000: *Provided*, That, notwithstanding any other provision of law, funds available for the purposes of the Minority Business Resource Center in this or any other Act may be used for business opportunities related to any mode of transportation.

Senate amendment No. 21: Page 3, line 7, after "provision" insert ": *Provided further*, That none of the funds in this Act shall be available for service to communities in the forty-eight contiguous States that are located fewer than seventy highway miles from the nearest large or medium hub airport, or that require a rate of subsidy per passenger in excess of $200, unless such point is greater than two hundred and ten miles from the nearest large or medium hub airport".

Senate amendment No. 23: Page 3, line 25, after "*Provided*," insert "That of this amount, $120,000 shall be derived from unobligated balances of the Office of Small and Disadvantaged Business Utilization: Provided further,".

Senate amendment No. 26: Page 4, line 6, after "$220,000" insert ": *Provided further*, That of this amount $180,000 shall be derived from unobligated balances of the Office of Small and Disadvantaged Business Utilization".

Senate amendment No. 56: Page 15, line 8, after "100–457" insert "and Public Law 101–516".

Senate amendment No. 122: Page 30, after line 8, insert "$6,700,000 for the Hawthorne-Warwick Commuter Rail Project;".

Senate amendment No. 149: Page 35, line 13, after "Transportation" insert "and the National Institute of Environmental Health Sciences".

Senate amendment No. 154: Page 41, line 4, after "Center" insert ": *Provided*, That the Secretary may plan for further development of the Volpe National Transportation Systems Center and for other compatible uses of the Center's real property".

Senate amendment No. 155: Page 41, line 4, after "Center" insert ": *Provided further*, That any such planning does not alter the Federal status of the Center's research and development operation".

Senate amendment No. 172: Page 51, after line 14, insert:

SEC. 335. Notwithstanding any other provisions of law, tolls collected for motor vehicles on any bridge connecting the boroughs of Brooklyn, New York, and Staten Island, New York, shall continue to be collected for only those vehicles exiting from such bridge in Staten Island.

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CARR of Michigan moves that the house recede from its disagreements to the amendments of the senate numbered 1, 2, 3, 4, 5, 6, 7, 12, 13, 14, 21, 23, 26, 56, 122, 149, 154, 155, 172, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 8: Page 2, after line 2, insert:

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $2,225,000.

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 8 and concur therein with an amendment, as follows: In lieu of the sum proposed in said amendment, inert "$2,100,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 9: Page 2, after line 2, insert;

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $33,794,000, of which $6,417,000 shall remain available until expended.

MOTION OFFERED BY MR. CARR OF MICHIGAN

The CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 9 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $27,066,000.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 10: Page 2, after line 2, insert:

OFFICE OF PUBLIC AFFAIRS

For necessary expenses of the Office of Public Affairs, $1,388,000.

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 10 and concur therein with an amendment, as follows: In lieu of the sum proposed in said amendment, insert "$1,355,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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 2, after line 2, insert:

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $901,000.

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan 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 in said amendment, insert "$900,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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 2, after line 2, insert:

OFFICE OF INTELLIGENCE AND SECURITY

For necessary expenses of the Office of Intelligence and Security, $1,214,000.

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan 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 sum proposed in said amendment, insert "$1,000,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 16: Page 2, after line 2, insert:

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, to remain available until expended, $2,815,000.

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 16 and concur therein with an amendment, as follows: In lieu of the sum proposed in said amendment, insert "$9,232,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 17: Page 2, after line 2, insert:

OFFICE OF COMMERCIAL SPACE TRANSPORTATION OPERATIONS AND RESEARCH

For necessary expenses for operations and research activities related to commercial space transportation, $4,990,000, of which $1,500,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, there may be credited to this account up to $200,000 received from user fees established for regulatory services.

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 17 and concur therein with an amendment, as follows: In lieu of the first sum named in said amendment, insert "$4,700,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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 5, line 4, strike out all after "*further*," down to and including "shipyards" in line 9 and insert "That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839".

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 29 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert "That of the funds provided under this head, not less than $6,000,000 in work currently scheduled to be conducted at the Coast Guard Yard is to be awarded based upon a competitive solicitation of both public and private shipyards: *Provided further*, That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 33: Page 5, line 21, strike out "$47,700,000" and insert $50,200,000".

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 33 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$44,500,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 35: Page 5, line 25, strike out "$37,500,000" and insert "$40,615,000".

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$41,615,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 36: Page 6, line 2, after "1994" insert ":*Provided*, That funds received from the sale of the VC-11A and VC-

4 aircraft shall be credited to this appropriation for the purpose of acquiring new aircraft and increasing aviation capacity".

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 36 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert ":*Provided*, That funds received from the sale of the VC-11A aircraft shall be credited to this appropriation for the purpose of acquiring new aircraft and increasing aviation capacity".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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 9, line 3, after "aircraft" insert ": *Provided further*, That none of the funds provided shall be made available for pay raises or bonuses in fiscal year 1994 for Federal Aviation Administration employees whose responsibilities include noise abatement policy function, managing aircraft route design or changes, and responsibility for preparing, managing, and overseeing the environmental impact statement mandated by section 9199 of Public Law 91-508, until the final report on such impact statement is issued".

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 45 and concur therein with an amendment, as follows: In lieu of "section 9199 of Public Law 91-508" named in said amendment, insert "section 9119 of Public Law 101-508".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 46: Page 9, line 23, strike out "$2,142,000,000" and insert "$2,162,578,000".

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 46 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$2,120,104,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

The motion was agreed to.

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The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 47: Page 9, line 23, strike out "$1,945,500,000 and insert "$1,988,488,000".

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 47 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$1,922,104,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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 14, strike out lines 7 to 11.

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 53 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended as follows: In lieu of the sum named, insert "$30,262,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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 14, line 17, strike out "$17,482,663,000" and insert "$18,020,000,000".

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan 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 sum proposed by said amendment, insert "$17,590,000,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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 17, strike out lines 11 to 17.

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 60 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended) and the National Traffic and Motor Vehicle Safety Act, $75,909,000, to remain available until September 30, 1996.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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 21, line 11, strike out "$20,166,000" and insert "$17,113,000".

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 70 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$37,613,000.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 73: Page 22, line 6, strike out "$331,000,000" and insert "$351,000,000".

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 73 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$351,700,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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 22, line 8, strike out "$100,000,000" and insert "$208,580,000, not to become available until July 1, 1994,".

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan 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 "$195,000,000, not to become available until July 1, 1994,".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 88: Page 26, line 14, strike out "$2,404,867,000" and insert "$2,336,000,000".

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 88 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$2,414,867,000" and, on page 26, line 13 of the House engrossed bill, H.R. 2750, delete "$1,324,916,000" and insert in lieu thereof "$1,284,916,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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 27, line 15, strike out "$1,140,000,000" and insert "$1,076.133,000".

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan 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 sum proposed by said amendment, insert "$1,195,000,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 93: Page 27, line 21, strike out "$1,079,951,000" and insert "$1,011,084,000".

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 93 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$1,129,951,000".

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 106: Page 29, strike out lines 11 and 12 and insert "$500,000 for the South Jersey alternatives analysis;".

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 106 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert "$1,000,000 for the Northeast Ohio Commuter Rail Project; $500,000 for the South Jersey alternatives analysis;".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 124: Page 30, after line 8, insert "$1,850,000 for alternatives analysis for Cincinnati, Ohio Commuter Rail; and".

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan 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 proposed by said amendment, insert "$1,350,000 for alternatives analysis for Cincinnati, Ohio Commuter Rail; and".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 125: Page 30, after line 8, insert "$600,000 for Memphis, Tennessee Regional Rail Plan".

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 125 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert "$500,000 for Memphis, Tennessee Regional Rail Plan".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 127: Page 30, line 16, strike out all after "proviso," down to and including "$50,000,000" in line 18 and insert "$4,000,000 shall be for the Milwaukee, Wisconsin East-West Corridor Project and $3,200,000 shall be for the RAILTRAN Corridor project of Dallas, Texas and Fort Worth, Texas, and $69,300,000".

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 127 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert "$10,000,000 shall be for the South Boston Piers Transitway, $8,500,000 shall be for the Chicago Central Area Circulator Project, $4,000,000 shall be for the Dallas South Oak Cliff LRT Project, $1,000,000 shall be for the Houston Regional Bus Plan Program of Projects, $5,000,000 shall be for the Pittsburgh Busway Projects, $3,000,000 shall be for the Milwaukee, Wisconsin East-West Corridor Project, and $45,000,000".

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Michigan [Mr. CARR].

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. 128: Page 31, after line 2 insert:

INTERSTATE TRANSFER GRANT—TRANSIT

For necessary expenses to carry out the provisions of 23 U.S.C. 103(e)(4) related to transit projects, $45,000,000, to remain available until expended.

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 128 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert:

INTERSTATE TRANSFER GRANTS—TRANSIT

For necessary expenses to carry out the provisions of 23 U.S.C. 103(e)(4) related to transit projects, $45,000,000, to remain available until expended.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 133: Page 32, after line 12, insert:

PITTSBURGH BUSWAY

For 80 percent of the expenses necessary for the Pittsburgh Busway, as authorized by section 1069(e) of Public Law 102-240, $28,000,000.

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from it disagreement to the amendment of the Senate numbered 133 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert:

LOCK AND DAM NO. 4 BRIDGE

For 80 percent of the expenses necessary for the Lock and Dam No. 4 bridge in Pine Bluff, Arkansas, $4,000,000.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 134: Page 32, after line 12, insert:

MINEOLA GRADE CROSSING

For 80 percent of the expenses necessary for the Mineola, New York grade crossing, as authorized by Public Law 99-591, $7,800,000.

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 134 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert:

MINEOLA GRADE CROSSING

(HIGHWAY TRUST FUND)

For 80 percent of the expenses necessary for the Mineola, New York grade crossing project, as authorized by Public Law 99-591, $7,800,000, to be derived from the Highway Trust Fund and to remain available until expended.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 140: Page 32, after line 14, insert:

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the functions of Hazardous Materials Safety and for expenses for conducting research and development, $12,721,000, of which $1,334,000 shall remain available until expended: *Provided*, That up to $1,000,000 in fees collected under section 106(c)(11) of the Hazardous Materials Transportation Act (49 U.S.C. App. 1805(c)(11)) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 140 and concur therein with an amendment, as follows: In lieu of the first sum named in said amendment, insert "$12,600,000" and, in lieu of the second sum named in said amendment, insert "$1,364,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 142: Page 33, line 9, strike our "$915,000" and insert "$884,000".

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 142 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$842,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 143: Page 33, line 17, strike out "$1,863,000" and insert "$1,781,000".

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 143 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$1,766,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 150: Page 35, after line 13, insert:

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $36,595,000: *Provided*, That not more than $1,000,000 of the funds made available under this head shall be available for implementation of Public Law 101-576.

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 150 and concur therein with an amendment, as follows:

In lieu of the first sum named in said amendment, insert "$39,000,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 158: Page 43, line 5, after "240" insert: "and $458,629 for the National Commission on Intermodal Transportation authorized by section 5005 of Public Law 102-240, and $15,000,000 for administrative costs and allocation to States under section 1302(d) of the Symms National Recreational Trails Act of 1991 and $5,000,000 for Lock and Dam No. 4 located at Pine Bluff, Arkansas. Amounts for section 5002 and section 5005 of Public Law 102-240 and amounts for section 1302(d) of the Symms National Recreational Trails Act of 1991 shall be deemed necessary for administration under section 104(a) of title 23, United States Code; and

"(4) Notwithstanding subsection (a) or any other provision of law, the Secretary shall withhold from initial distribution the fiscal year 1994 Federal-aid highways obligation limitation set aside for Interstate Construction Discretionary projects: *Provided*, That the Secretary shall distribute only after August 1, 1994, such obligation limitation withheld in accordance with this section to those States receiving Interstate Discretionary allocations".

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 158 and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

and $458,629 for the National Commission on Intermodal Transportation authorized by section 5005 of Public Law 102-240. Amounts for section 5002 and section 5005 of Public Law 102-240 shall be deemed necessary for administration under section 104(a) of title 23, United States Code; and

(4) Notwithstanding subsection (a), the Secretary shall withhold from initial distribution the fiscal year 1994 Federal-aid highways obligation limitation set aside for Interstate Construction Discretionary projects: *Provided*, That the Secretary shall distribute only after August 1, 1994, such obligation limitation withheld in accordance with this section to those States receiving Interstate Discretionary allocations

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 159: Page 43, strike out lines 6 to 20, and insert:

(d)(1) During the period October 1 through December 31, 1993, the aggregate amount of obligations under section 157 of title 23, United States Code for projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, sections 131(b), 131(j), and 404 of Public Law 97-424, sections 1061, 1103 through 1109, 4008, and 6023(b)(8) and 6023(b)(10) of Public Law 102-240, and for projects authorized by Public Law 99-500 and Public Law 100-17, shall not exceed $302,551,350.

"(2) The limitation on obligations for Federal-aid highways for fiscal year 1994 shall apply, notwithstanding any other provision of law, to obligations for priority corridor feasibility studies under section 1105(h) of Public Law 102-240; obligations for the Priority Corridor Revolving Loan Fund under section 1105(i) of Public Law 102-240; and obligations for the Applied Research and Technology Program under section 307(e) of title 23, United States Code.

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 159 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

(d) During the period October 1 through December 31, 1993, the aggregate amount of obligations under section 157 of title 23, United States Code for projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, sections 131(b), 131(j), and 404 of Public Law 97-424, sections 1061, 1103 through 1109, 4008, and 6023(b)(8) and 6023(b)(10) of Public Law 102-240, and for projects authorized by Public Law 99-500 and Public Law 100-17, shall not exceed $302,551,350.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 163: Page 47, after line 25, insert:

SEC. 324. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act or previous Acts under "Federal Transit Administration, Discretionary Grants" for projects specified in this Act or previous Acts or identified in reports accompanying this Act or previous Acts not obligated by September 30, 1996, shall be made available for other projects under section 3 of the Federal Transit Act, as amended.

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 163 and concur therein with an amendment, as follows:

In lieu of the section number "324", insert "326".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 175: Page 51, after line 14, insert:

SEC. 338. None of the funds provided in this or any other Act shall be used to remote radar coverage from the Roswell, New Mexico, airport prior to the Federal Aviation Administration obtaining congressional approval based upon a cost study applying (1) actual personnel staffing levels used at comparable facilities such as Moses Lake, Washington, and Waterloo, Iowa, and (2) the actual equipment costs based on integration with existing systems rather than acquisition of wholly redundant systems. The Federal Aviation Administration will report back to the committee with an appropriate study not later than December 31, 1993.

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 175 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 336. None of the funds provided in this Act shall be used to remote radar coverage from the Roswell, New Mexico, airport unless that Federal Aviation Administration shows a significant cost savings by remote radar coverage based upon a cost study applying (1) actual personnel staffing levels used at comparable facilities, and (2) the actual equipment costs based on integration with existing systems rather than acquisition of wholly redundant systems. The Federal Aviation Administration will report back to the House and Senate Committees on Appropriations with an appropriate study not later than December 31, 1993.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 176: Page 51, after line 14, insert:

SEC. 339. Notwithstanding any other provision of law, monies previously appropriated for the Chattanooga fixed rail project out of the section 3 "New Construction" account shall be made available for the Chattanooga electric vehicle project through the "Bus and Bus Facilities" account.

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 176 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 337. Monies previously appropriated for the Chattanooga fixed rail project out of the section 3 "New Construction" account shall be made available for the Chattanooga electric vehicle project through the "Bus and Bus Facilities" account.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 177: Page 51, after line 14, insert:

SEC. 340. Notwithstanding any other provision of law, funds previously appropriated for Project Breakeven in Portland, Oregon, may, upon application by Tri-Met to the Federal Transit Administration, be expended on other eligible transit projects in the Portland metropolitan region.

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 177 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 338. Funds previously appropriated for Project Breakeven in Portland, Oregon, may, upon application by Tri-Met to the Federal Transit Administration, be expended on the Westside Light Rail Project in the Portland metropolitan region.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 180: Page 51, after line 14, insert:

SEC. 343. NEXRAD Installation.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration (FAA), pursuant to the FAA's participation in the National Implementation Plan for the Modernization and Associated Restructuring of the National Weather Service, shall install nine standard FAA redundant configuration NEXRAD radar, to provide coverage to each of the following areas in Alaska, by the date indicated: Anchorage by June 1995; Sitka by July 1995; King Salmon by July 1995; Middleton Island by August 1995; Fairbanks by September 1995; Nome by October 1995; Bethel by October 1995; McGrath by September 1996; and the Bering Sea near Cold Bay or Sand Point by September 1996.

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 180 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 339. The Administrator of the Federal Aviation Administration, pursuant to the Federal Aviation Administration's participation in the National Implementation Plan for the Modernization and Associated Restructuring of the National Weather Service, shall install seven standard Federal Aviation Administration redundant configuration NEXRAD radar systems, to provide coverage to each of the following areas in Alaska: Anchorage; Sitka; King Salmon; Middleton Island; Fairbanks; Nome; and Bethel. *Provided*, That the Administrator of the Federal Aviation Administration shall submit a study to the House and Senate Committees on Appropriations on the adequacy and effect on aviation safety of installing fewer than nine NEXRAD systems in Alaska.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

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. 182: Page 51, after line 14, insert:

SEC. 345. TRANSFER OF APPORTIONED TITLE 23 FUNDING.—The Secretary of Transportation shall permit the obligation of not to exceed $4,000,000, apportioned under title 23, United States Code, section 104(b)(5)(B) for the State of Florida for operating expenses of the Tri-county Commuter Rail project in the area of Dade, Broward, and Palm Beach Counties, Florida, during each year that Interstate 95 is under reconstruction in such area.

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. I offer a motion.

The SPEAKER pro tempore [Mr. MONTGOMERY]. The Clerk will designate the motion.

The text of the amendment is as follows:

Mr. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 182 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 340. (a) The Secretary of Transportation shall permit the obligation of not to exceed $4,000,000, apportioned under title 23, United States Code, section 104(b)(5)(B) for the State of Florida for operating expenses of the Tri-County Commuter Rail project in the area of Dade, Broward, and Palm Beach Counties, Florida, during each year that Interstate 95 is under reconstruction in such area.

(b) The Secretary of Transportation shall permit the obligation of not to exceed $9,000,000, apportioned under title 23, United States Code, section 104(b)(1) for the State of North Carolina for capital improvements for their Rail Impact project in the Interstate 40/85 corridor from Raleigh to Charlotte during reconstruction of Interstate 40/85.

Mr. CARR of Michigan (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

The motion was agreed to.

□ 1200

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 185: Page 51, after line 14, insert:

SEC. 348. None of the funds appropriated by this Act shall be available for use for closing or otherwise reducing the services of any flight service station in the State of Alaska in operation on the date of the enactment of this Act, until after the expiration of the 90-day period following the date that the Secretary of Transportation has reported to Congress regarding the effects on safety of the flight service station closing and reduction in services plan being carried out by the Federal Aviation Administration in the State of Alaska on the date immediately preceding the date of the enactment of this Act. Such report shall be submitted no later than 90 days after enactment of this Act.

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 185 and concur therein with an amendment, as follows:

In lieu of the section number "348", insert "341".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the final amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 186: Page 51, after line 14, insert:

SEC. 349. If any State or local interest, within one year following the date of the enactment of this Act, can demonstrate to the satisfaction of the National Railroad Passenger Corporation that such State or local

interest can cover any potential operating losses including the cost of equipment depreciation, or that the National Railroad Passenger Corporation will not incur or absorb any part of operational losses including the cost of equipment depreciation due to the initiation of new State-supported service, the Corporation shall initiate such new service: *Provided*, That the corporation determines equipment is available to initiate such service.

MOTION OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. 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. CARR of Michigan moves that the House recede from its disagreement to the amendment of the Senate numbered 186 and concur therein with an amendment, as follows: In lieu of the section number "349", insert "342".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

The motion was agreed to.

REQUEST TO VACATE DISPOSITION OF SENATE AMENDMENT NUMBERED 172 AND RECONSIDER SENATE AMENDMENT NUMBERED 172

Mr. CARR of Michigan. Mr. Speaker, I ask unanimous consent to vacate the earlier disposition of Senate amendment No. 172 and to reconsider that amendment at this point.

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

Mr. WOLF. Mr. Speaker, reserving the right to object, is there a way that we could put that off for a minute or two? I have called the gentlewoman from New York [Ms. MOLINARI], who represents that area.

Mr. CARR of Michigan. Mr. Speaker, I withdraw my unanimous consent request at this time.

REQUEST TO VACATE DISPOSITION OF SENATE AMENDMENT NUMBERED 172 AND TO RECONSIDER SENATE AMENDMENT NUMBERED 172

Mr. CARR of Michigan. Mr. Speaker, I ask unanimous consent to vacate the earlier disposition of the Senate amendment numbered 172 and to consider that amendment at this point. This is a restatement of my earlier unanimous consent request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. WOLF. Mr. Speaker, reserving the right to object, I will talk for just a minute on this objection I have.

Mr. Speaker, I yield at this point to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. I thank the gentleman for yielding under his reservation.

Mr. Speaker, could we ask the Chair what is this amendment and what is the effect of this amendment?

Mr. CARR of Michigan. Mr. Speaker, may we ask the Clerk to read the amendment?

The SPEAKER pro tempore. The Clerk will report Senate amendment numbered 172.

The Clerk read as follows:

Senate amendment No. 172: Page 51, after line 14, insert:

SEC. 335. Notwithstanding any other provisions of law, tolls collected for motor vehicles on any bridge connecting the boroughs of Brooklyn, New York, and Staten Island, New York, shall continue to be collected for only those vehicles exiting from such bridge in Staten Island.

Mr. WOLF. Mr. Speaker, continuing my reservation of objection, and I think I will object, but I yield to the gentleman from New York to talk about this issue for a minute or two, but because of my protection of Ms. MOLINARI, I will object. But I will yield to the gentleman if he would like to comment.

Mr. NADLER. Mr. Speaker, I appreciate the gesture of the gentleman.

Mr. Speaker, I rise in opposition to the motion offered by the distinguished chairman.

Let me be clear on what this provision would do. It would dictate to the city of New York how we should collect tolls on one local bridge. It is an outrageous and unjustified intervention in a purely local matter.

We hear a great deal of talk these days about reforming the way Congress does its business—that we should respect the rights of local communities, we should avoid Federal micromanagement of municipal affairs, and we should put an end to congressional stunts that cost local taxpayers millions of dollars.

If we agree to the language placed in this bill by the other body, Congress would mandate that New York continue collecting tolls on the Verrazano-Narrows Bridge in the westbound direction only. This method of toll collection, originally put in place by a Congressionally imposed mandate, has been an unmitigated disaster for the people of the city I represent.

Make no mistake, if you support imposing this measure, you will be doing so against the will of the people of our city—the very people who will have to live with the consequences.

The mayor of New York City, the Governor of New York State, and all but one member of our city's delegation oppose this measure.

What have been the consequences of this congressional mandate for one-way tolls on this one bridge? I urge my colleagues to study the findings of the draft environmental impact statement on this subject: The one-way tolls have increased congestion in the Holland Tunnel because heavy trucks traveling through New York City can avoid tolls by entering the city through the Verrazano Bridge, avoiding its congressionally mandated westbound toll collection and exiting through the Holland Tunnel, avoiding its eastbound toll collection. The one-way tolls have increased air pollution. According to the draft environmental impact statement, vehicles diverted into lower Manhattan, my district, entirely to avoid tolls, have increased air pollution and created several pollution hotspots where the 8-hour concentration of carbon monoxide greatly exceeds the national air quality standards.

We cannot afford stunts like this which increase air pollution in New York. We are already a nonattainment area, and will soon be faced with penalties imposed by—that is, right, you guessed it—the U.S. Congress unless we clean up our air. But the same Congress that would penalize us if we do not clean up our air tells us not to take a purely local action to reduce congestion and clean up our pollution problems.

The one-way tolls have increased traffic on the Gowanus Expressway and the Brooklyn/Queens Expressway by diverting traffic onto them as they are the route between the Verrazano Bridge and the Holland Tunnel. This is a serious matter. It is more than a cause of increased pollution, it is more than an inconvenience for local residents. This is choking off the Red Hook and South Brooklyn marine terminals in Brooklyn as well as numerous small commercial and light manufacturing businesses on the Brooklyn waterfront and in industrial Sunset Park. It is causing major job loss, and it will get worse. The Gowanus Expressway, scheduled for a 10-year reconstruction job. Soon all this car and truck traffic will be diverted onto the local streets of Sunset Park and Red Hook.

One-way tolls have cost our city locally generated transportation dollars. Drivers taking advantage on one-way tolls, successfully evade toll collection. This has cost our transportation agencies between $7 and $8.2 million annually.

Since we're discussing transportation appropriations, let me turn my attention for a moment from this legislative issue to one of actual transportation funding. Does anyone here feel so strongly that they have to tell New York how to run our local roads that they would be willing to make up these lost dollars out of their State's appropriations? We're not talking about money paid by your constituents, we're talking about money New Yorkers pay to our own local transportation agencies for our local transportation system. Why should Congress tell New York City how to raise money locally?

I have been told by many of my colleagues that they would prefer not to get involved in a local dispute. I strongly agree. Unfortunately, Congress has been involved in a local dispute for nearly a decade. This congressional meddling has cost us over $70 million of local funds so far, has clogged our streets, killed local businesses, destroyed the quality of life in

some of our communities, and, unless we send this provision back to the other body, Congress will do it to us for another year.

Why do this now? The only reason this amendment is in this bill today is because its sponsors know that left alone, New Yorkers will do what is in our own best interest and get rid of the one-way tolls. A small minority in our city wants to use the power of the Federal Government to circumvent the popular will of the majority in our city. Don't help them do it. I urge the defeat of the motion.

Mr. WOLF. Mr. Speaker, further reserving the right to object, I am going to yield to the gentlewoman from New York in a moment. I will just tell the gentleman that the committee looked at this and felt that Ms. MOLINARI had made a compelling case. And because, if you have people back and forth, you back up on both sides, and one-way collection has been the trend on Route 95 and has been the trend and is the case in the Holland Tunnel. So the committee felt that was important.

Mr. Speaker, continuing my reservation of objection, I yield to the gentlewoman from New York.

Ms. MOLINARI. I thank the gentleman for yielding to me.

Mr. Speaker, I want to take just a few moments to explain why this is a national issue.

No. 1, it is a national issue because the interstate to which my colleague from New York refers and the bridge that connects it is not a local road, it is a road that is a part of the Federal Interstate Highway System. And the Verrazano Narrows Bridge connects those two. It is also the subject of a Federal Navigable Waters Bridge Act and Verrazano Narrows Bridge was implicitly constructed under Federal statute. So therefore the tolls on that bridge can in fact be regulated by Congress.

The last point is that if this was in fact a local issue that pitted one district against another, this would not have only been an issue handled by Senator D'AMATO in the Senate.

□ 1210

It was in fact an issue that despite the please of the mayor of the city of New York received the support and the assurances of Senator FRANK LAUTENBERG from New Jersey, as it did with the majority of the Members of this body relative to both Democrats and Republicans from New Jersey who believe that this is a Federal interstate and therefore a very important venue of travel for residents of New Jersey also into New York City and out. So this is a lot more encompassing than just one borough against another.

Mr. Speaker, let me make just one more point. When we talk about revenues, please understand, and to those of you who are not from New York City, this may be a subject that is absolutely inconceivable to you, but please understand, I represent a borough from the city of New York. My colleague represents a borough from the city of New York. My borough, Staten Island, is the only borough that does not have a free access road to another borough in the very same city.

The people that I represent have to pay in order to get home from work every day a $6 toll; $5 out of that $6 leaves Staten Island and the majority of it goes into another borough, called Manhattan, where it subsidizes mass transportation on the subway systems. It subsidizes the Long Island Railroad and train routes in New Haven, CT.

So Mr. Speaker, this is an issue for the Federal Government to get involved in because it is an issue that discusses transportation fairness. It discusses the ability of Staten Islanders to receive some relief while we continue to support the subsidies of other boroughs, and also, lastly, it is an issue that affects two States, New York and New Jersey.

For that reason, I understand when the issue did come up in the other body the support of Senator LAUTENBERG helped to persuade this institution and the other institutions that in fact this was an appropriate venue for the Federal Government in which to get involved.

Mr. NADLER. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from New York.

Mr. NADLER. Mr. Speaker, I simply want to make a couple very brief comments.

No. 1, this issue does not affect New Jersey. The only way conceivably it could affect New Jersey would be if you assume a better than 7-mile backup into New Jersey, and that is inconceivable.

Second of all, there are plenty of highways and roads and bridges paid for partially or almost entirely with Federal funds, but the local way in which they operate is generally considered a local issue. This is properly a local issue.

There are ramifications here. We could debate this for hours. The ramifications are a lot more complex than we can do justice to in 2 or 3 minutes. I am not going to go into them now, but the ramifications are much more complex and they are of local concern, local import, and the local governments concerned ought to decide that. That is why I think this amendment is an imposition on New York and not a good idea.

Ms. MOLINARI. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentlewoman from New York.

Ms. MOLINARI. I would only conclude, Mr. Speaker, that perhaps after this election day in November I may in fact agree with the gentleman that this should be a situation that the local governments should decide.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Michigan [Mr. CARR]?

Mr. WOLF. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The SPEAKER pro tempore. We have concluded the consideration of amendments in disagreement.

A motion to reconsider the votes by which action was taken on the conference report and the several motions was laid on the table.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 281, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1994

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 282 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 282

Resolved, That upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider in the House the joint resolution (H.J. Res. 281) making further continuing appropriations for the fiscal year 1994, and for other purposes. Debate on the joint resolution shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida [Mr. GOSS], pending which I yield myself such time as I may use. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 282 allows this body to consider House Joint Resolution 281, making further continuing appropriations for fiscal year 1994, in the House—any rule of the House to the contrary notwithstanding. The hour of debate time will be equally divided and controlled by the chairman and ranking minority member of the Appropriations Committee. The rule provides one motion to recommit.

House Joint Resolution 281 is a one-sentence joint resolution, simply changing the end date for the continuing resolution from October 21 to October 28.

Mr. Speaker, the situation is not hard to understand. Tonight, the short-term continuing resolution will run out. The Appropriations Committee struggled mightily to finish all their bills before the deadline. Serious and

important issues delayed us. No one should object to the committee, the House, or the Congress taking the time to debate and vote on these serious matters.

Realistically, we are still on track, with some hard work, to complete the regular appropriations bills by the end of next week.

Mr. Speaker, the joint resolution before us is a simple, clean extension through October 28 of the most restrictive form of a continuing resolution: providing the lowest amount among last year's level, the House-passed or the Senate-passed amount for each account. The only question is whether to continue the operations of the Government for 1 more week until we complete the regular appropriations process. The rule gives the House an up-or-down vote on that question.

Mr. Speaker, House Resolution 282 is a fair rule and I urge its adoption.

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

Mr. Speaker, by now just about all observers of Congress know that advanced planning and careful forethought are not generally considered to be among the strong suits of this House and the majority leadership as we go about our business here, and so it probably does not come as much of a surprise that we are here today, on October 21, 16 days after the targeted adjournment date, once again extending the ominous continuing resolution or CR so commonplace just referred to as a CR. As it is called that is so commonplace around here now that it has its own acronym. Many Americans remember it as that great document that President Reagan dropped upon the podium, and caught national attention with, to keep the Government funded while we scramble to complete our appropriations business. After all, we missed the statutory deadline for finishing all spending measures for the coming fiscal year. That milestone came and went on October 2, so we adopted a 3-week CR that expires today. Then a host of thorny problems jostled the schedule—certainly we have had skirmishing, if not open warfare between the authorizers and the appropriators on a number of issues, and despite the best intentions of the distinguished chairman of the Appropriations Committee, the gentleman from Kentucky [Mr. NATCHER] who has labored mightily to hit all the deadlines, regrettably all 13 spending bills are still not ready for the President's signature. In fact, I understand only two or so have been signed. As late as 3 p.m. yesterday, Chairman NATCHER was expressing his supreme reluctance to further extend this CR—and I commend him for his commitment to getting our appropriations work done as expeditiously as possible and on schedule. The chairman, this Member, and I believe all Members of this body are all uncomfortable with having to fall back on short-term, stopgap funding resolutions like the one before us today. Even though this CR is basically a very clean bill coming out of this House, regrettably it offers a temptation to the other body, and that is always a danger that we have to undergo with CR's. It is only a 1-week extension, but in my view it further erodes the credibility of this Congress. We just cannot seem to get our work done well and timely. When we fail to meet important deadlines and targets in the budget process, what signal are we sending to the people we represent? And why should they have confidence in our ability to meet the next deadline we are setting, considering the first two have already come and gone? Mr. Speaker, I certainly hope that next week at this time we will have met our responsibilities and completed our work.

Mr. Speaker, I think everybody knows that we have a budget that does not balance. I think everybody knows that we have taken action this year that has raised our taxes in the neighborhood of $250 billion, and I think that everybody still knows we are waiting for promised spending cuts to materialize from the White House and be considered by this body. All those things are important business that ought to be taken up, and instead we are absorbed with the routine business which we are not completing on time. I think that is a shame, and I hope we can do better.

□ 1220

Mr. Speaker, I yield back the balance of my time.

Mr. GORDON. 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.

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 consideration of House Joint Resolution 281, and that I may include tabular and extraneous material.

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

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1994

Mr. NATCHER. Mr. Speaker, pursuant to House Resolution 282, the rule just adopted, I call up the joint resolution (H.J. Res. 281) making further continuing appropriations for the fiscal year 1994, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 281

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(c) of Public Law 103-88 is amended by striking out "October 21, 1993" and inserting in lieu thereof "October 28, 1993".

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 282, the gentleman from Kentucky [Mr. NATCHER] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. NATCHER], the chairman of the Committee on Appropriations.

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

Mr. Speaker, today we bring to the House a 1-week extension of the continuing resolution.

The House has been considering, as the Members know, conference reports on appropriations bills all week. The House has acted on 12 of our regular 13 appropriations conference reports, but further action by the House on the District of Columbia and energy and water development conference reports is necessary and is scheduled for tomorrow. The Senate is still considering the Defense appropriations bill.

Conference reports that are pending on the Senate side are Treasury-Postal Service, Veterans Affairs-HUD, Commerce-Justice-State-Judiciary, Interior, and now Transportation. Agriculture, military construction, and Labor-Health and Human Services-Education are at the White House awaiting signature. While two bills are enacted, legislative and foreign operations, it is apparent that action on all the rest of the appropriations bills will not be completed by midnight tonight, the expiration date of the present continuing resolution.

To provide time for the Senate to complete action and for the President to review the bills, and for conference action to proceed on the Defense appropriations bill, this 1-week extension of the continuing resolution is absolutely necessary. The resolution before the House simply extends the present continuing resolution until midnight Thursday, October 28. No extraneous provisions are included. It is clean.

The House has worked hard all week trying to get our conference reports on our appropriations bills adopted. I want all Members to know I appreciate their cooperation. This applies to every Member of the House, Mr. Speaker. They have all helped us, and as we said when we started out we are going to do it right. We have almost completed our

task. We have worked long hours, and I appreciate it.

This extension is supported by the President, the Speaker, Senator BYRD, and the Director of the Office of Management and Budget. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I must disagree—and this is one of those rare times when I do so—with my dear friend, the gentleman from Kentucky [Mr. NATCHER], the distinguished chairman of the Committee on Appropriations, who does such an able job in leading the committee.

I do so, Mr. Speaker, because I strongly hold to the belief that this joint resolution in its current form will not do the job, that in fact we will be back here looking at continuing resolution No. 3, that the defense bill will never be ready in time to fit within the parameters of this resolution.

I agree with the chairman of the committee completely when he says that the other 12 bills can and should and hopefully will be done even before the week is out, but I see little evidence that the Senate, still having an appropriation bill on the Senate floor and probably going to have it there again tomorrow, is likely to complete its work.

Therefore, I oppose this joint resolution in its current form, Mr. Speaker, and at the appropriate time I will offer a motion to recommit it.

Mr. Speaker, I am delighted to yield 1½ minutes to the distinguished gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, today, Congress will take up the second continuing resolution of this fiscal year. The passing of continuing resolutions because we cannot get our budgets done on time has become an annual shame for this institution.

We waste too much time either out of session or working on trivial matters, while many of the most important issues of the day are never even discussed on the floor of this House.

The constant use of continuing resolutions in this House keeps us from having the most important tool necessary to any negotiating process—a firm deadline. Without it, Congress limps along for weeks, even months, at a time, without the budget that it is our first task to produce and approve.

This leaves the American public with the impression that the House cannot take care of its most basic tasks. It undermines faith in the process and forces us to spend too much time away from our home districts and constituents.

Members in this House may have differing ideas of what should be emphasized in a congressional reform package. I hope, though, that we can all agree that the annual budget charade has to end and that this continuing resolution should be the last continuing resolution.

Mr. COX. Mr. Speaker, pity the poor soul who misses a deadline for paying Federal taxes. No matter how small the amount owed, if payment arrives late the barrage of IRS dunning letters, interest charges and penalties will be merciless.

Don't expect such Prussian punctuality from the people who authorize spending our tax dollars. Just this year, Congress already has ignored at least 25 deadlines required by the Congressional Budget Act of 1974. By June 10, the House Appropriations Committee was required to have reported all 13 of the regular appropriations bills for fiscal year 1994; it only reported two bills by the deadline. Only 9 of the 13 bills cleared the House floor by the budget law's June 30 deadline.

By October 1, the beginning of the new fiscal year and the date on which President Clinton's $1½ trillion budget was to have taken effect, only two of the 13 spending bills for operations of the Federal Government had been passed by both Houses of Congress and signed by the President. Almost routinely, on the eve of the new fiscal year, the congressional leadership pushed through a continuing resolution to provide stopgap spending authority for 3 weeks.

Now that the stopgap extension is expiring, still only two regular appropriations bills have been passed and signed by the President. This week, because it cannot even meet its own extended deadlines, Congress passed still another stopgap spending bill. For 12 of the last 13 years now, Congress has exhibited this inability to abide by the budget law.

Will any of the responsible parties pay a penalty for violating the budget law? Perish the thought. The law that created the current budget process has no effective enforcement mechanisms—and that's just the way congressional big spenders like it.

If we are ever to get Federal spending under control, we must overhaul the budget process and make it work. Democrats and Republicans alike should be able to agree upon a better system for developing and enforcing the annual budget—so that tax and spending decisions are made in an organized, timely and rational fashion, and then backed up by budget discipline.

To this end, Representative CHARLES STENHOLM and I have introduced H.R. 2929, the Budget Process Reform Act. More than 160 other reform-minded House members have joined as cosponsors, including House Republican budget leader JOHN KASICH, JANE HARMAN, and KEN CALVERT, cochairmen of the bipartisan Freshman Class Task Force on Reinventing Government. Senators TRENT LOTT and RICHARD SHELBY soon will introduce this bipartisan reform bill in the Senate.

The hallmarks of our reform plan are clarity, evenhandedness regarding the role of the President and Congress, and discipline.

In place of the unenforceable concurrent resolution now in use, Congress would have to pass a budget in the form of a legally binding joint resolution, signed by the President. Until the budget is signed into law, no authorization or appropriations bill would be allowed to come to the floor of either the Senate or the House, nor to any committee. This will encourage Congress and the President to cooperate and come to agreement early in the process.

Our bill would ban baseline budgeting. Instead of calling a scaled-back increase a cut, the budget will use real dollars to compare last year's actual spending to next year's proposed spending.

We'll halt the commonplace abuse of waivers. On more than half of all the spending bills enacted last year, Congress declared the budget law's restraints and deadlines not to be in force. This year already, Congress has waived the budget law more than 20 times. These waivers now pass almost routinely by simple-majority vote. The Budget Process Reform Act will make it far more difficult to bend the budget law, requiring a two-thirds majority in both the House and the Senate to approve a waiver.

Congress will have to stop its blank-check spending binge. Our bill abolishes open-ended appropriations for such sums as may be necessary. Fixed-dollar appropriations will be required for all accounts except Social Security and interest on the debt.

Finally, our bill would automatically authorize the previous year's funding level for any program or activity if Congress fails to complete its budget work on time. This would banish the threat of Government shutdowns caused by congressional inaction and delay and give Congress a powerful incentive to finish its business by the start of the fiscal year.

We shouldn't let another year go by without overhaul of the Federal budget system. We need a tough, enforceable budget law to replace the laughable procedures Congress now uses to circumvent fiscal discipline. The Budget Process Reform Act makes solid bipartisan sense. It merits support from every responsible Member of Congress who believes Congress should stop breaking the budget law's deadlines. Taxpayers who work hard to meet the April 15 congressional deadline for paying the IRS deserve no less.

Mr. PORTER. Mr. Speaker, I rise in opposition to this continuing resolution. It is unnecessary, unwise, and will assist the forces opposed to the change called for by our President.

Mr. Speaker, the argument for another continuing resolution at this time is extremely weak. And the argument for no continuing resolution—or at least a continuing resolution only covering the Defense Department—is extremely strong.

If you are opposed to further funding for the super collider, you should be opposed to this continuing resolution. This continuing resolution will give the Senate a week to figure out some way to save this expensive project, and undermine the strong desire of this body that the program be ended.

If you are in favor of grazing fee reform, you should be opposed to this continuing resolution. The continuing resolution will give the Senators a week to filibuster the Interior Appropriations conference report and force changes to the fee reforms achieved in conference and adopted overwhelmingly by this body.

Mr. Speaker, if the other body wants to neglect its duty to act expeditiously on appropriations conference reports it should pay a political price for doing so. Seven conference reports are now stacked up in that body, like airplanes circling a fogged-in airport. This failure to act should have consequences. The fog in the other body is not a result of natural causes, and those who are promoting gridlock should be made to explain why their individual interest justifies shutting down the Government. Such an explanation is extremely hard to make in a convincing manner.

Mr. Speaker, in endorsing this continuing resolution you have forgotten the lesson that physics teaches—a body at rest tends to remain at rest in the absence of the application of force. This continuing resolution removes the pressure and dissipates the force. It endorses our institutional incompetence, it reinforces in the minds of many Americans the contempt in which they hold us, and it gives the upper hand to the status quo.

Mr. Speaker, I sincerely hope that you, and the majority leader of the Senate, and the President all understand that we should not be in this situation—that continuing resolutions are not a necessary evil but rather that they are absolutely avoidable through the exercise of strong leadership.

This leadership must come from the President, and it must begin in January—at the commencement of the annual budget cycle. The President must submit his budget proposal on time. The President must ask for its expeditious consideration. And the President must indicate that he expects the Congress to complete its work on time and within budget.

Delay in submission of a complete budget on time sets the process off on the wrong foot. Further delays come as a consequence of initial delay and the result is seen 10 months later when an embarrassed institution must temporarily extend the agencies of Government in a manner reminiscent of a fledgling Government, not the world's greatest democracy.

The President needs to understand that when he signed the first continuing resolution a few weeks ago, he endorsed a governmental process that is inimical to the good government, reform and change he seeks.

Indeed, the President should understand that delay in the budget process undermines his entire Presidential agenda and hurts him.

Consider the case of health care reform. Delay in the budget process drew attention away from this top Presidential priority. His people were diverted from addressing the details of health reform, and the timetable for introducing a health bill was pushed back. As a result, the President still hasn't given us a health reform bill, administration witnesses can't answer basic questions about the plan, and Halloween, Thanksgiving, and congressional adjournment are around the corner. The prospects for congressional action this year are zero, and the prospects for action in this Congress are somewhat diminished.

In sum, Mr. Speaker, delay on the budget damages the President and it is in his own self interest to put an end to it.

When we passed the first continuing resolution a few weeks ago, I acknowledged that a new President needs time to get his feet underneath him. But, Mr. Speaker, no such problem will exist next year or the year after or the year after that. And the President needs to take command of the budget timetable. He needs to submit his budget—with full detail and numbers that add up—on time.

Then, he needs to demand that the Congress do the same—he must hold our feet to the fire and ensure that on his watch there will be no more continuing resolutions. This is, quite simply, the essence of good government.

Mr. NATCHER. Mr. Speaker, I have no requests for time on this side.

Mr. McDADE. Mr. Speaker, I have no further requests on this side, 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. Pursuant to the provisions of House Resolution 282, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MCDADE

Mr. McDADE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. McDADE. In its current form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McDADE moves to recommit the joint resolution (H.J. Res. 281) to the Committee on Appropriations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

WE HAVE CULTURAL WAR IN THIS COUNTRY

(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, we are not just in a cultural war, we are in a cultural meltdown. And the lead attack on Mosaic law, Judaeo-Christian ethics and the traditional values of our country is now being led by the White House itself.

Here is a story from today's Washington Times.

On the lawn of the White House yesterday, a Ms. Gebbie, the President's newly appointed AIDS czar told the Nation that we have to dump our repressed Victorian society and that we have to stop denying homosexual sexuality, particularly in teens. According to Ms. Gebbie, to deny their sexual appetite would leave people abandoned with no place to go.

One of the people responding to Gebbie's comments was an AIDS activist by the name of Luke Sissyfag—this is no joke, Mr. Speaker. It is an indication of the moral sickness of our society. This Luke Sissyfag says, "Kristine, put your money where your mouth is." If she puts her mouth where his has been, she would probably die of AIDS.

President Clinton's administration is in a meltdown and they are contaminating the rest of us. It is going to be 3 long, painful years to November 5, 1996, when we get rid of this moral sickness.

Mr. Speaker, please include a copy of the article following my remarks.

[From the Washington Times, Oct. 21, 1993]

AIDS CZAR TELLS AMERICANS TO SEEK THEIR PLEASURE IN SEX

(By Joyce Price)

President Clinton's AIDS czar says talking about sex "in terms of don't and disease" is not working, and Americans must start viewing sex as an "essentially important and pleasurable thing."

Unitl they do so, "we will continue to be a repressed Victorian society that misrepresents information, denies sexuality early, denies homosexual sexuality—particularly in teens—and leaves people abandoned with no place to go," Kristine Gebbie told a conference on teen-age pregnancy yesterday.

"I can help just a little bit in my job, standing on the White House lawn talking about sex with no lightning bolts falling on my head," said Miss Gebbie, a former nursing educator and Washington state health official.

Miss Gebbie is the first person to be put in charge of coordinating the government's effort to fight AIDS.

She delivered her remarks at a conference sponsored by the Association of Reproductive Health Professionals, the American Social Health Association and the Centers for Disease Control and Prevention.

Miss Gebbie's comments were immediately attacked by leaders of conservative pro-family groups.

"Her statements are utterly stupid, totally irresponsible and unfounded" said the Rev. Donald Wildmon, president of the American Family Association, based in Tupelo, Miss.

"What porn company does she work for?" he asked. "It sounds like 'Clinton and Co.' What she's saying sounds like something that came out of the Gay and Lesbian Task Force."

Phyllis Schlafly, president of the Eagle Forum, said: "The people who believe what she's saying are the ones getting the diseases. . . . People who have Victorian morality aren't."

"The ones with AIDS are the ones who had sexual freedom," Mr. Wildmon said.

Ben Merrill, special assistant to Miss Gebbie, said her message at the teen pregnancy conference has been a "common theme" of hers and is "something that needs to be said."

"It came up at the Gay and Lesbian Journalists Convention last month," he said. "And it's been well received."

He said Miss Gebbie wants "to change the way the nation looks at AIDS."

To accomplish that, she believes the "nation's puritanical roots need to be examined," a federal source said.

"When we approach AIDS, we approach it as a sexual disease, not a plague," Mr. Merrill said.

Luke Sissyfag, an AIDS activist who has criticized Miss Gebbie, said of her comments yesterday: "Kristine, put your money where your mouth is. She says the right things, like Bill Clinton, but doesn't do anything."

Mr. Sissyfag wants Miss Gebbie to follow the 30 recommendations of the National Commission on AIDS—proposals he says Mr. Clinton promised to implement during his campaign.

"If you are concerned about teen pregnancy and about transmission of HIV [the virus that causes AIDS] in adolescents, you should be implementing a coordinated federal AIDS education in high schools which includes a distribution of condoms," he said

"That was one of the recommendations of the National Commission on AIDS, but all those recommendations are just sitting on the shelf gathering dust."

IN OPPOSITION TO H.R. 2520, FISCAL YEAR 1994 INTERIOR APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I voted against the rule on H.R. 2520, the fiscal year 1994 Interior appropriations bill and opposed the legislation itself because it is the only means I had to express my grave concern about recent actions by the U.S. Fish and Wildlife Service.

While I could cite many examples of Fish and Wildlife officials overstepping their legal authority, I particularly call attention to the efforts of one employee to effectively close the Tennessee-Tombigbee Waterway by insisting that the so-called Alabama sturgeon be declared endangered.

Public hearings were recently held on the subject. More than 600 people attended the October 4 hearing in Mobile and only one person spoke in support of listing the fish as endangered. In contrast, members of the Alabama congressional delegation, the U.S. Corps of Engineers, the U.S. Coast Guard, and the Southeast Power Administration pointed out that there is no scientific justification for this proposal. A biology professor from Samford University testified that the Alabama sturgeon is most likely the same species as the Mississippi shovelnose sturgeon, which is a common fish throughout the Mississippi River watershed. The Alabama sturgeon has been proposed as a separate species three times before, and each time, it was eventually recognized not to be different than others already identified.

Testimony was also heard about the tremendously adverse economic consequences this listing would cause if it forced curtailment or even closure of the Tenn-Tom Waterway. This action is not justified and it is my hope that my vote and the attention directed to this issue will send a strong and clear message to the U.S. Fish and Wildlife Service to use a little common sense in its regulatory activities. Its decisions should be based on the scientific evidence and in this case, when that evidence is examined, I think it is clear that the Alabama sturgeon should not be placed on the endangered list.

RECESS

The SPEAKER pro tempore. Pursuant to rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 34 minutes p.m.) the House stood in recess subject to the call of the Chair.

□ 1435

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. WATERS) at 2 o'clock and 35 minutes p.m.

REQUEST FOR PERMISSION TO FILE FURTHER CONFERENCE REPORT ON H.R. 2445, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1994

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight, October 21, 1993, to file a further conference report on the bill (H.R. 2445) making appropriations for energy and water development 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 Texas?

Mr. BARTON of Texas. Madam Speaker, reserving the right to object, could I engage in a colloquy or dialog with the distinguished chairman of the Committee on Appropriations.

Madam Speaker, could the chairman inform me as to the reason the gentleman would want to file this particular conference report this evening, as opposed to during the normal regular order next week?

Mr. NATCHER. Madam Speaker, if the gentleman will yield to me, we know on this side and on both sides of the gentleman's interest in the particular matter. It has been cleared through the leadership on the gentleman's side. The gentleman from Illinois [Mr. MICHEL] is present with us on the floor at this time. It has been cleared.

In the conference that is now being held on the Senate side, it is being held in S-128. Senator JOHNSTON and his conferees are there. The gentleman from Alabama [Mr. BEVILL] and his conferees are there. They are holding a conference on this particular matter that the gentleman is concerned about at this particular time in that room. It would be of advantage and it would be of assistance to our committee if the gentleman would permit us to file it. That is all we want to do.

Knowing the gentleman's interest, the gentleman is entitled to attend the conference right now. Any Member of the House is entitled to attend it.

The gentleman is a good Member of the House. I know of his interest in this particular project.

I think the gentleman with this information ought to go over and attend the conference, but I believe he ought to let us file.

Mr. BARTON of Texas. Madam Speaker, if I could ask another question of the distinguished chairman, if I were to object, would the gentleman not file next Tuesday? Would that not be possible?

Mr. NATCHER. Yes, I guess I would. No question about that. We would file as soon as we were permitted to file. If that would be Tuesday, that would be the day, but this only prints the matter. That is all it does.

Mr. BARTON of Texas. If it were to be filed next Tuesday, would the gentleman still not be able to bring the bill to the floor next week while the continuing resolution is still in effect?

Mr. NATCHER. We would have to have the assistance of the Rules Committee at that particular time.

The gentleman knows as far as I as the chairman of the committee is concerned, I was here a long time before I found out where the Rules Committee met.

Mr. BARTON of Texas. Well, Madam Speaker, I have nothing but great admiration for the distinguished chairman of the Appropriations Committee; but due to the sensitivity and the nature of this, and I have been attending the conference——

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

Mr. BARTON of Texas. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Madam Speaker, I would like to just assert what the timing might end up being. If the conference report were filed by midnight tonight, would that anticipate then that we would have the bill on the floor on Tuesday?

Mr. NATCHER. Madam Speaker, if the gentleman will yield, I would say to my friend, the gentleman from Pennsylvania, the leadership would have to pass upon that. That will be a matter for the leadership to pass upon.

Mr. WALKER. Madam Speaker, if the gentleman will yield further, I am just trying to ascertain what this means in terms of the schedule. There are a number of people who are concerned about what will be in the conference report. The gentleman from Kentucky is absolutely right. All he is doing is asking permission for it to be filed so it can be printed.

On the other hand, what is being printed becomes fairly important to a lot of members, including the gentleman from Texas, and their ability to examine this and decide whether or not the conference report does in fact meet what they thought it was going to do.

□ 1440

If it is taken up on Tuesday, that would be a limited ability for Members to have a chance to examine the conference report before they might have to vote. If, in fact, though it were filed on Tuesday, and therefore, did not come to the floor until Wednesday, it would give Members somewhat more time to understand what took place in the conference.

Madam Speaker, I am just trying to figure out what the schedule might be so that the Members——

Mr. NATCHER. Madam Speaker, if the gentleman would yield further, I could help him as to that matter.

This would have to go to the Committee on Rules. It would have to go, it would have to go to the Committee on Rules on Tuesday. It could not be brought up sooner than on Wednesday of next week. It would have to go to the Committee on Rules, and, since that is the situation, it would help us if the gentleman would not object.

Mr. BARTON of Texas. Well, Madam Speaker, I would do any personal favor for the gentleman from Kentucky [Mr. NATCHER] because he is such a distinguished Member of this body, but, due to the sensitivity of it, and I have been attending the conference committee, and I am not sure there will be a resolution this afternoon, again, with great respect, I am going to object.

So, Madam Speaker, I do object.

The SPEAKER pro tempore (Ms. WATERS). Objection is heard.

LEGISLATIVE PROGRAM

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

Mr. MICHEL. Madam Speaker, I ask for this time for the purpose of inquiring of the distinguished majority leader the program for next week and possibly beyond.

Mr. GEPHARDT. Madam Speaker, will the gentleman yield?

Mr. MICHEL. Madam Speaker, I am happy to yield to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Madam Speaker, I thank the gentleman from Illinois [Mr. MICHEL] for yielding to me.

Madam Speaker, there will not be further votes today. There will be a pro forma session tomorrow, but no votes.

On Monday, October 25, the House will not be in session.

On Tuesday, October 26, and the balance of the week, the House will meet at noon on Tuesday and 10 a.m. on Wednesday, Thursday, and Friday.

On Tuesday, Madam Speaker, we have the possibility of these options:

H.R. 3116, motion to go to conference on defense appropriations; H.R. 2445, the energy and water development appropriations conference report which we just had some discussion about, and H.R. 1845, the Nation Biological Survey Act of 1993, to complete consideration.

Further, Madam Speaker, during the week we have the District of Columbia appropriation conference report, H.R. 1036 to amend the Employee Retirement Income Security Act of 1974, subject to a rule, and H.R. 3116, defense appropriations conference report, subject to a rule, and H.R. 2151, Maritime Security and Competitiveness Act of 1993, subject to a rule.

As the gentleman knows, the continuing appropriation, we believe, will pass through the other body later today, but it goes until the 28th, which is Thursday, so, if we cannot get all these appropriations finished, and we hope we can, then we would have to think about another continuing, but we obviously hope that does not happen.

Now, to give the gentleman and the Members a sense of the coming month, Madam Speaker, I would like to talk for a moment about November.

We are now anticipating the following days for votes, and on other days there will not be votes. We are planning no votes on the 1st or the 2d of November. As the gentleman knows, there is an election in many States on the 2d. But there will be votes on the 3d, 4th, and 5th of November. There would be votes on Monday, the 8th; Tuesday, the 9th; and Wednesday, the 10th, but no votes on Veterans Day, the 11th, Thursday, the 11th, or Friday, the 12th. There then would be votes on the 15th, Monday; the 16th, Tuesday; the 17th, Wednesday; the 18th, Thursday; the 19th, Friday, and possibly votes on the weekend of the 20th and the 21st, even Saturday and Sunday, and votes on the 22d, Monday, with the target adjournment day for this year on November 22, 1993.

Mr. MICHEL. Madam Speaker, I thank the gentleman from Missouri [Mr. GEPHARDT] for that information because I know the Members have all been inquiring about it, and it also indicates that, if we can keep up to our schedule, then that cherished adjournment date could very well be then a couple days before Thanksgiving, and I appreciate the gentleman informing the Members of such.

ADJOURNMENT FROM FRIDAY, OCTOBER 22, 1993, TO TUESDAY, OCTOBER 26, 1993

Mr. GEPHARDT. Madam Speaker, I ask unanimous consent that when the House adjourns on Friday, October 22, 1993, it adjourn to meet at noon on Tuesday, October 26, 1993.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 21, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Thursday October 21, 1993 at 1:05 p.m.: that the Senate passed without amendment: H.R. 328; and agreed to the Conference Report and amendments in disagreement to H.R. 2519.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk.

GIVE THESE BLUE RIBBON SCHOOLS AN "A"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. EMERSON] is recognized for 5 minutes.

Mr. EMERSON. Madam Speaker, I proudly take to the floor today to celebrate the achievements of three schools in my district: Farmington High School, Rolla Senior High School, and Rolla Middle School. These three schools from southern Missouri have been chosen as outstanding Blue Ribbon Schools.

So often, Mr. Speaker, Congress debates and considers what is wrong and broken with our Nation. The public education system has not missed out on this discussion and has been the target of a great deal of criticism. As often happens in the Nation, we forget to remember that there are hundreds of education success stories—millions of students who are learning and excelling. It is my honor and pleasure to join in the Department of Education's celebration of what is good in our public education system.

Let me tell you a little about the schools from the Eighth District of Missouri that are being honored this week. Farmington High School serves a rural community 75 miles south of St. Louis. The school district, along

with the community, is rapidly growing and the city of Farmington's theme for the school district is tradition and progress.

Farmington High School has achieved success by having the flexibility to adapt its programs to meet the specific needs of the student population. Besides being flexible, Farmington High School is both innovative and prudent. Even though the money spent by Farmington High School is moderate by national standards, the performance of their students is above both National and State averages. This is a statement worthy of repeating. Even through Farmington's spending per pupil is average, the students at Farmington High School perform far above the national and State averages.

The second school receiving a Blue Ribbon Award is Rolla Senior High School. Rolla High School has a great tradition of academic excellence and proven success in educating students from highly diverse backgrounds. In the last 5 years, Rolla High School has had 58 students who were commended, semifinalists, and finalists in the National Merit Scholarship Program. Eighty-five students qualified for the Missouri Higher Education Academic Scholarship Program by achieving a national score in the top 3 percent on the ACT or SAT exams. Additionally, the Presidential Academic Fitness Award was earned by 257 students.

Finally, Madam Speaker, I want to congratulate the third school from the Eighth District of Missouri to receive the Blue Ribbon School Award, Rolla Middle School. One of the most remarkable features about Rolla Middle School is its strong commitment to parental and community involvement in education. Rolla Middle School boasts an 85 percent participation rate in biannual parent-student-teacher conferences. Rolla students flourish in this environment. Students have been recognized for excellence at both State and National levels and school attendance exceeds 93 percent. Rolla Middle School is most certainly on the right track.

Once again, I want to applaud Farmington High School, Rolla High School, and Rolla Middle School for their selection as recipients of the prestigious Blue Ribbon Schools Award. They are clearly among the most distinguished schools in the Nation with a tireless commitment to excellence in education.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RUSH (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. STEARNS) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes, today.

Mr. TALENT, for 60 minutes, on November 9.

(The following Member (at the request of Mr. SABO) to revise and extend his remarks and include extraneous material:)

Mr. MONTGOMERY, for 5 minutes, today.

(The following Members (at the request of Mr. WALKER) to revise and extend their remarks and include extraneous material:)

Mr. EMERSON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. STEARNS) and to include extraneous matter:)

Mr. HASTERT.

Mr. ALLARD.

Mr. ZIMMER.

(The following Members (at the request of Mr. SABO) and to include extraneous matter:)

Mr. COPPERSMITH.

Mr. STARK in two instances.

Mr. MORAN.

Mr. BONIOR.

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. OXLEY.

Mr. SMITH of New Jersey.

Mr. BILIRAKIS.

Mr. PACKARD.

Ms. FURSE.

Mr. COOPER.

Ms. VELÁZQUEZ.

Mr. ABERCROMBIE.

Mr. BARCA of Wisconsin.

Mr. WOLF.

Mrs. LOWEY.

Mr. SKELTON.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On October 20, 1993:

H.J. Res. 111. Joint resolution designating October 21, 1993, as "National Biomedical Research Day."

H.R. 2446. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

H.R. 2518. An act 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.

H.R. 3123. An act to improve the electric and telephone loan programs carried out under the Rural Electrification Act of 1936, and for other purposes.

ADJOURNMENT

Mr. WALKER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Friday, October 22, 1993, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2051. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize the transfer of 25 naval vessels to certain foreign countries; to the Committee on Armed Services.

2052. A letter from the Executive Officer, National Science Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2053. A communication from the President of the United States, transmitting notification of the deployment of U.S. Naval Forces to participate in the implementation of the petroleum and arms embargo of Haiti (H. Doc. No. 103-153); to the Committee on Ways and Means and 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. ABERCROMBIE (for himself, Mr. OBERSTAR and Mr. BACCHUS of Florida):

H.R. 3327. A bill to amend title 18, United States Code, to protect domestic and foreign tourists and other travelers in interstate and foreign commerce; to the Committee on the Judiciary.

By Ms. BYRNE:

H.R. 3328. A bill to prohibit the U.S. Postal Service from expending any further funds in connection with instituting a new logo until such time as its operations are no longer being conducted at an annual loss; to the Committee on Post Office and Civil Service.

By Mr. CONYERS:

H.R. 3329. A bill to assure due process and equal protection of the law by permitting the use of statistical and other evidence to challenge the death penalty on the grounds of disproportionate patterns of imposition with respect to racial groups, to prohibit such patterns, and for other purposes; to the Committee on the Judiciary.

H.R. 3330. A bill to amend title 18, United States Code, with respect to civil rights related crimes; to the Committee on the Judiciary.

H.R. 3331. A bill to protect civil rights; to the Committee on the Judiciary.

H.R. 3332. A bill to strengthen the Federal response to police misconduct; to the Committee on the Judiciary.

By Mr. HOKE:

H.R. 3333. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for contributions to a Medisave account; to the Committee on Ways and Means.

By Mr. DOOLITTLE (for himself, Mr. DORNAN, Mr. HANSEN, Mr. KYL, Mr.

HUNTER, Mr. BALLENGER, Mr. BAKER of California, Mr. BARTON of Texas, Mr. EWING, Mr. SAM JOHNSON of Texas, Mr. STUMP, Mr. INHOFE, and Mr. FIELDS of Texas):

H.R. 3334. A bill to impose limitations on the placing of U.S. Armed Forces under the operational control of a foreign national acting on behalf of the United Nations; jointly, to the Committees on Foreign Affairs and Armed Services.

By Ms. FURSE:

H.R. 3335. A bill to amend the Family Violence Prevention and Services Act to authorize the Secretary of Health and Human Services to administer a Federal demonstration program to coordinate response and strategy within many sectors of local communities for intervention and prevention of domestic violence; to the Committee on Education and Labor.

By Mr. LIVINGSTON:

H.R. 3336. A bill to amend title 18, United States Code, to provide mandatory life imprisonment for persons convicted of a third violent felony and to provide for the conversion of three military installations to be closed under the base closure laws into Federal prison facilities capable of incarcerating these persons; jointly, to the Committees on the Judiciary and Armed Services.

By Mrs. LOWEY:

H.R. 3337. 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; to the Committee on the Judiciary.

By Mr. MONTGOMERY:

H.R. 3338. 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; to the Committee on Veterans' Affairs.

By Mr. NADLER (for himself, Mr. TOWNS, Ms. VELÁZQUEZ, and Mrs. MALONEY):

H.R. 3339. A bill to provide that tolls may not be collected solely from vehicles exiting into Richmond County, NY, from a bridge connecting Kings and Richmond Counties, NY; to the Committee on Public Works and Transportation.

By Mr. SLATTERY (for himself, Mr. BILIRAKIS, Mr. MONTGOMERY, and Mr. STUMP, Mr. APPLEGATE, Mr. EVERETT, Mr. EVANS, Mr. STEARNS, Mr. SANGMEISTER, Mr. KING, Mr. EDWARDS of Texas, Mr. TEJEDA, and Mr. SPENCE):

H.R. 3340. A bill to amend title 38, United States code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SLATTERY (for himself, Mr. SPENCE, Mr. MCNULTY, Mr. BILIRAKIS, Mr. MONTGOMERY, Mr. STUMP, Mr. APPLEGATE, Mr. EVERETT, Mr. EVANS, Mr. STEARNS, Mr. SANGMEISTER, Mr. KING, Mr. EDWARDS of Texas, and Mr. TEJEDA):

H.R. 3341. A bill to amend title 38, United States code, to increase the rate of special pension payable to persons who have received the Congressional Medal of Honor; to the Committee on Veterans' Affairs.

By Mr. TRAFICANT:

H.R. 3342. A bill to establish a toll free number in the Department of Commerce to assist consumers in determining if products are American made; to the Committee on Energy and Commerce.

By Mr. WILLIAMS:

H.R. 3343. A bill to prohibit the expenditure of Federal funds on metric system highway signing, and for other purposes; to the Committee on Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Ms. BYRNE introduced a bill (H.R. 3344) for the relief of Lloyd B. Gamble; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 323: Mr. HERGER, Mr. BARRETT of Nebraska, Mr. GILCHREST, Mr. COMBEST, Mr. ROTH, Mr. BARTON of Texas, Mr. CRANE, Mr. GOSS, Mr. SAM JOHNSON.

H.R. 441: Mr. BARCA of Wisconsin.

H.R. 466: Ms. MARGOLIES-MEZVINSKY.

H.R. 830: Mr. PETERSON of Minnesota, Mr. SLATTERY, Mr. POMBO, and Mr. BARCA of Wisconsin.

H.R. 1360: Mr. WYNN.

H.R. 1504: Mr. KASICH and Mr. HOKE.

H.R. 1645: Mr. DELLUMS, Mr. UNDERWOOD, Mr. FARR, Mrs. MORELLA, and Mr. HOCHBRUECKNER.

H.R. 1671: Mr. SYNAR, Mr. MCDERMOTT, Mr. CRAMER, and Mr. HOCHBRUECKNER.

H.R. 1753: Ms. BYRNE.

H.R. 2091: Mr. BACHUS of Alabama.

H.R. 2444: Mr. HERGER.

H.R. 2735: Mr. MEEHAN.

H.R. 2835: Mr. BROWDER, Mr. COPPERSMITH, Ms. BYRNE, and Mr. BARCA of Wisconsin.

H.R. 2918: Mr. FORD of Michigan, Mr. FARR, Mr. PAXON, Mr. SMITH of New Jersey, Mrs. LOWEY, Ms. WOOLSEY, Ms. PELOSI, Mr. WYNN, Mr. BISHOP, Mrs. JOHNSON of Connecticut, Mr. GINGRICH, and Ms. FURSE.

H.R. 2962: Mr. MATSUI.

H.R. 3014: Mr. BARCA of Wisconsin.

H.R. 3023: Mr. GILMAN, Mr. BLILEY, Ms. FURSE, Mr. FISH, Mr. KING, Mr. WOLF, Mr. LIGHTFOOT, Mr. SPENCE, and Mr. ENGLISH of Oklahoma.

H.R. 3173: Mr. LINDER and Mr. SHUSTER.

H.R. 3182: Mr. NADLER.

H.R. 3203: Mr. BLUTE, Mrs. LOWEY, Mr. FOGLIETTA, Mr. JOHNSTON of Florida, and Mr. DELLUMS.

H.R. 3315: Mrs. MEEK, Mr. STOKES, and Mr. JEFFERSON.

H.J. Res. 274: Mr. MANTON and Mr. JEFFERSON.

H. Res. 148: Mr. POMEROY.

H. Res. 165: Mr. CARR, Mr. BECERRA, Mr. CUNNINGHAM, Mrs. LOWEY, Mr. ABERCROMBIE, Mr. FORD of Michigan, Ms. PRYCE of Ohio, Mr. DOOLEY, Mr. BONIOR, Mr. STUDDS, Mr. INGLIS of South Carolina, Mr. KINGSTON, Mr. DOOLITTLE, Mr. HAMBURG, Mr. MINETA, Mr. FARR, Mr. CONDIT, Ms. ROYBAL-ALLARD, Mr. BARCA of Wisconsin, Mr. CHAPMAN, Ms. WATERS, Mr. HOLDEN, Ms. MOLINARI, Mr. SENSENBRENNER, Mr. MCCURDY, and Mr. ANDREWS of Texas.

H. Res. 271: Mr. BILIRAKIS and Mr. BAKER of Louisiana.

SENATE—*Thursday, October 21, 1993*

(Legislative day of Wednesday, October 13, 1993)

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

PRAYER

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

Let us pray:

Lo, children are an heritage of the Lord: and the fruit of the womb is his reward.—Psalm 127:3.

Father God, it is overwhelming to think of the responsibility and opportunity of parents and the consummate tragedy when responsibility is rejected and opportunity is lost. Our hearts are heavy as we contemplate the situation with many children and youth of our culture—abuse, abandonment, violence, sexual promiscuity—all resulting from indifferent parenthood.

Parents are irreplaceable in the formative years of the child. By the time a child is 3, he has learned half of all he will ever know. By the time he is 7, his character and personality are set.

Patient God, the breakdown of our culture is due, primarily, to parental failure. Forgive us, Lord. Help us to retake the home front and recover the values and virtues which will accrue from such an awakening.

We pray in Jesus' name who said, "suffer the little children to come unto me, and forbid them not; for of such is the kingdom of Heaven." Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 21, 1993.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mr. MATHEWS 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.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT OF 1994

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 3116, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3116) making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Helms/Brown modified amendment No. 1072 (to committee amendment on page 154), to limit the use of funds for the Armed Forces of the United States to conduct operations in Haiti.

(2) Mitchell (for Dole/Mitchell) amendment No. 1074, to express the sense of the Congress on funding for the deployment of the United States Armed Forces in Haiti.

AMENDMENT NO. 1072 TO COMMITTEE AMENDMENT ON PAGE 154; AMENDMENT NO. 1074

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 90 minutes of debate, evenly divided, on the two pending amendments.

If no one yields time, it will be deducted equally from both sides.

In my capacity as a Senator from the State of Tennessee, I suggest the absence of a quorum, with the time being charged equally to both sides.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BENNETT. Mr. President, in a few hours we shall vote on the Helms amendment relating to Haiti, and I will cast a vote against the Helms amendment. But I rise to make a few comments to make it very clear that by that vote I am in no way endorsing the position of the administration with respect to Haiti. We have had a great deal of information from this——

The ACTING PRESIDENT pro tempore. The Senator will suspend for one moment.

I am advised the time for the next 90 minutes is controlled by Senator Helms, Senator Dole, and Senator Mitchell, and one of those parties will need to yield time in order for the Senator to be recognized.

Mr. BENNETT. Mr. President, I ask unanimous consent that I be allowed to proceed for 5 minutes as if in morning business.

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

HAITI

Mr. BENNETT. Mr. President, as I said, the vote will be on the Helms amendment, and I intend to vote against the Helms amendment, but I wish to make it very clear that in that vote I am not endorsing the position of the administration with respect to Mr. Aristide.

We have had a great deal of conversation about Mr. Aristide here on the floor of the Senate, and some people have suggested that it is the duty of the United States of America, as the leading democracy in the world, to return Mr. Aristide to power. He won a democratically conducted election; therefore, it is the American duty, so the reasoning goes, to see to it that he is returned to power on the basis of that election.

Without wishing to overstate the case, I would, nonetheless, point out that historically Adolf Hitler won a democratically free election and thereby came to power, immediately after which he abused his power. The question would be asked, would the United States in the reasoning that we have had before attempt to return Hitler to power if the military coup within the German military had succeeded in removing him?

As I say, I recognize that overstates the issue, but it makes it clear that simply winning one election does not automatically mean that an individual is worthy of calling upon all the international community to support him if his actions after his election demonstrate he is unworthy of power.

In my view, Mr. Aristide's actions have so demonstrated, and the record is very clear that once in power he used his position as the President to be the worst kind of demagogue, including inciting riots, violence, and murder, if you will, on the part of Haitian citizens.

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

That is not the kind of individual that I want American military gunboats or other power to be involved in in restoring the power in Haiti.

The problem in Haiti, of course, is very serious. The people in Haiti suffer tremendously. It is a tortured and difficult kind of problem. But it will not be solved in any way by taking a man who has a history of murder and violation of his office and putting him back on the throne from which he was ousted by the citizens of his own country.

So I wish to make it very clear, Mr. President, even though I will vote against the Helms amendment because I think it sets bad precedent. That does not in any sense mean that I am in support of Mr. Aristide or his murderous background.

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

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

The bill clerk proceeded to call the roll.

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

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. BROWN. Mr. President, while we are waiting for Members from both sides to come to add to the debate, I would simply note that I think it is appropriate that the time be allocated to both sides.

I ask unanimous consent that we note the absence of a quorum and that the time it consumes count against both sides equally.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Chair would ask at this point, who yields time?

Mr. CHAFEE. Mr. President, time is counting anyway under the quorum call, is it not? Is time equally divided now under the quorum call?

The ACTING PRESIDENT pro tempore. That had been the previous order, yes.

Mr. CHAFEE. Well, I ask unanimous consent that I might speak for 10 minutes and the time be equally divided between the sides.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DODD. Reserving the right to object, and I will not object, all I want to make sure is that the clock is running on this so we are not going to be in morning business or other business that would delay the vote at 11 o'clock.

The ACTING PRESIDENT pro tempore. The clock is running; the Senator is correct.

Mr. CHAFEE. So, Mr. President, I am free now to proceed for 10 minutes, as if in morning business, is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct. Time will be charged equally to both sides.

Mr. CHAFEE. Thank you, Mr. President.

And I thank the distinguished Senator from Connecticut.

(Ms. MOSELEY-BRAUN assumed the chair.)

BAN ON HANDGUNS SHOULD BE ENACTED

Mr. CHAFEE. Madam President, as my colleagues know, in May of this year, I reintroduced my Public Health and Safety Act.

What does this bill do? This bill bans the sale, the manufacture, and the possession of handguns in the United States of America. My legislation, which is S. 892, would establish a grace period of 6 months during which time handgun owners could turn in their handguns and receive the weapon's fair market value or $25, whichever is the greater.

After the 6-month period, Madam President, no one would be permitted to possess a handgun in the United States of America, except for law enforcement officials, military officials, antique collectors, target shooters—target shooters who belong to clubs where the weapons are kept under lock and key—and security guards with the proper credentials.

Madam President, every single day that goes by produces further shocking evidence that this legislation should be enacted.

I call my colleagues' attention to the lead stories in the Metro section of last Tuesday's Washington Post. This is it, Madam President. This is what it says:

"Student, 13, Is Shot Inside SE Junior High."

The details of the incident are somewhat sketchy, but it indicates, say the police, that the victim, Robert Williams, was shot in the chest last Tuesday in the boys' locker room at J.H. Johnson Junior High School. Not senior high school; junior high school.

The police did not discuss the weapon, but you can rest assured the weapon was a handgun.

Further down in the article we learn that Johnson Junior High School, like 12 other schools in this district of the Washington, DC, area, has metal detectors at its main entrance.

Everybody knows that metal detectors are expensive. The school system, which does not have enough money for books and does not have enough money for athletic equipment or building repairs, has to spend its money on metal detectors and somebody to monitor the metal detector to keep handguns and other weapons out of the school.

This is a pathetic situation that is occurring in our Nation. But it is even sadder, even with this expensive hardware—the metal detector and the guards on it—that a student managed to bring a handgun into the school and to use it against another student. This is nothing short of insanity, and it is not at all uncommon. According to one survey, 135,000 students in this Nation of ours bring a weapon, a gun, a handgun to school every single day, just like it is a lunch box. How in the world are teachers to teach and students to learn in this environment of violence?

In the same section of the Washington Post of last Tuesday, 2 days ago, there are three other examples of the devastation that is occurring as a result of more than 70 million handguns circulating in our society and the easy access which we permit all individuals, including youngsters, to have to these weapons.

Page 2, Washington Post: "Gun Used to Kill Va. Trooper Linked to Earlier Case."

Virginia State Trooper Jose Cavazos was killed when he pulled over 21-year-old Lonnie Weeks and a friend on a routine speeding violation. Unbeknownst to the trooper, Weeks had stolen the car. When he was pulled over, he panicked, pulled out a 9 mm semiautomatic pistol, and began firing, hitting Trooper Cavazos at least five times and killing him.

Further down, page 3: "Youth Surrenders in D.C. Pool Shooting."

We all remember with horror the incident which took place last June in which an unidentified individual, standing on a faraway hill, fired 10 to 20 bullets from a semiautomatic handgun into a crowded swimming pool in Southeast Washington.

If a youngster cannot go to a swimming pool and be safe, where in the world is he going to go? No one was killed, but six children enjoying the first days of summer were physically wounded. Never mind the psychological trauma that those youngsters endured. The article tells us that a 14-year-old boy has turned himself in and confessed the crime—14 years old, and he had a handgun.

The same newspaper: "Police Wound Man at Club."

Two nights ago, in a Prince Georges County night club, 22-year-old Thomas Weems got into an argument with several of the patrons. He left, and threatened to settle the matter with a handgun. The employee informed two police officers. Weems came back, shot, and the police fired back, hitting him twice.

So it goes.

Listen to what is happening in my State, nice little Rhode Island.

October 12, Middletown, RI. Police arrest a 15-year-old boy for bringing a handgun to Middletown High School.

This is a quiet, small, rural town near the ocean. Yet, we have children bringing handguns to school.

September 18, Central Falls, RI. Fifteen-year-old Tommy DeGraft, of Pawtucket, was killed and his friend, Albert Robinson, was seriously wounded when another boy fired approximately 20 shots from his 9 mm semiautomatic handgun into their vehicle.

September 11, South Providence, RI. Eighteen-year-old Douglas Buchanan was shot and killed by another 18-year-old with a .38 caliber handgun following an argument at a party.

August 8, Cranston, RI. Norma Arevalo stepped out of her sister's apartment with her 2-year-old granddaughter just as 29-year-old Luis Torres, armed with a 9 mm semiautomatic handgun, began exchanging fire with two men in a van. Ms. Arevalo was shot once in the abdomen and once in the ankle.

This is a terrible situation. Seventy million handguns are circulating in our country, and 2 million are being added every year.

The NRA claims that handgun possession deters violence. On this basis, this should be the safest country in the world. But, of course, this is nonsense; the opposite is the case. The more handguns, the more violence there is in our society. More handguns simply spawn more slaughter.

A recent study published in the New England Journal of Medicine confirmed this point: Keep a handgun in the household and there is an eight times greater chance that somebody in that household will be shot by a handgun than if you did not have the handgun in the household.

And the chances are it is going to be a family member or an acquaintance, an intimate acquaintance, who is going to be shot by that handgun you have in the household.

This is the time for a radical reexamination of our handgun policy in the United States of America. The Brady bill, Senator KOHL's proposal, likewise, which prohibits handgun ownership by minors, is a good step. But, frankly, we have to face up to the whole situation and ban these guns totally in our society.

This violence is going to continue. Every single day is going to bring more evidence of it. I am absolutely convinced that by the end of this century, we will have a situation where every single family in America will have been affected by these handguns. That does not mean a mother or a father or child, daughter or son—perhaps that, perhaps a cousin or an uncle or an aunt—somebody in every single family in America is going to be shot and perhaps killed by this handgun slaughter that is going on.

So I commend to my colleagues the support of the legislation which I have introduced. It is Senate bill 892. I do seek cosponsors.

I am going to continue this battle and look for allies in it.

I thank the Chair.

Madam President, I ask unanimous consent to have these articles that I referred to printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 19, 1993]

STUDENT, 13, IS SHOT INSIDE SE JUNIOR HIGH

(By Ruben Castaneda)

A 13-year-old youth was shot in the chest by another teenager yesterday morning apparently in the locker room of the Southeast Washington junior high school where both are students, police officials said.

The youth, Robert Williams, was reported in fair condition at Children's Hospital. A 15-year-old has been charged with assault with intent to kill.

Police said evidence indicates that Robert was shot while he and the 15-year-old were in the boys locker room at J.H. Johnson Junior High, which is at Robinson and Bruce streets SE. They said the motive for the shooting had not been determined. The 15-year-old, accompanied by his parents, turned himself in yesterday afternoon. He was not identified because he is charged as a juvenile.

The wounded teenager apparently ran outside after being shot, then staggered in the school's front entrance about 11:30 a.m. and went to the security office, where he asked for help, police said. He was taken by ambulance to Children's Hospital.

Attendance records show that Robert was not in class yesterday, said Linda Moody, who represents Ward 8 on the D.C. school board. Moody was at a nearby school when she heard about the injured youth and went to Johnson immediately.

No school employee reported hearing any shots, Moody said, and classes were not disrupted.

Detectives and officers from the new violent crime and gang task force, which investigates nonfatal shootings in the 7th Police District east of the Anacostia River, are handling the case.

Authorities initially said that it appeared the shooting occurred off school grounds, but later found evidence of the shooting in the locker room.

Police would not say whether they determined how or why the gun was brought into the locker room. Johnson, like 12 other junior high and middle schools in the District, has a metal detector at its main entrance. However, a school system spokeswoman said such measures cannot guarantee that weapons will be kept out.

"Some of our schools have as many as 80 doors and windows that can be used by a student to introduce a gun inside the building," the spokeswoman, Karen Hinton, said. "There will never be enough security guards or metal detectors to stop that."

She said the school gymnasium is under the supervision of a physical education teacher during scheduled classes, but she did not know whether the locker room is supervised when no activities are scheduled.

"I don't think you can ask anybody to supervise a student all the way to a toilet seat," said.

Moody said it is difficult to secure every entrance to the building. "We have a constant feud with the fire department over this; they say keeping the doors locked is a fire hazard and we say that keeping them open is a security hazard," she said.

Dianne Sledge, mother of the wounded youth, said that she believed her son had been in school yesterday and could not think of any reason anyone would want to hurt him.

A school security employee described Robert as well-behaved, and school officials said he attended classes regularly. There are about 350 seventh-, eighth- and ninth-graders at Johnson.

In another violent incident last night, a 24-year-old District man was fatally shot in the middle of Seventh Street NE in the Stanton Park neighborhood.

The man, whose identity was not released, was killed about 9:40 p.m. in the 900 block of Seventh Street NE. Police said they found about 20 casings from two firearms along a 100-yard path leading to the body.

No one was arrested last night.

As of yesterday, 373 people had been slain in the District so far this year, compared with 361 killed by the same date last year.

[From the Washington Post, Oct. 19, 1993]

POLICE WOUND MAN AT CLUB

(By Jon Jeter)

A Prince George's County man was wounded yesterday in an exchange of gunfire with two off-duty police officers outside an Oxon Hill nightclub, authorities said.

Police said Thomas Chapman Weems, 22, of Temple Hills, fired first at the two officers and was struck in the shoulder and arm when they returned fire. He was in stable condition yesterday at Prince George's Hospital Center.

Police said Weems and several other patrons at the Oak Tree nightclub in the 6100 block of Oxon Hill Road were arguing. Weems left, but threatened to return with a gun.

A club employee reported the incident to off-duty police officers Harold Hayes, who was in uniform after completing his shift at the Oxon Hill precinct, and Eddie Smith, who was out of uniform, said Capt. James Terracciano, a department spokesman. Hayes had stopped by the club to speak with Smith, Terracciano said.

As Hayes and Smith stood outside the club about 2:15 a.m., Weems returned from the parking lot carrying a handgun, police said. The officers identified themselves and ordered him to drop the gun as he stood in the parking lot, police said. Instead, said Terracciano, Weems fired at least one shot at the officers, they returned his fire, and he ran to his car and sped away.

Patrol officers arriving to provide assistance saw Weems throw a handgun out of his car as he drove north on St. Barnabas Road and crossed under the Capital Beltway, police said. The officers gave chase, and Weems was arrested near his home in the 2200 block of Alice Avenue. A .38 caliber handgun with six spent rounds of ammunition was recovered on St. Barnabas Road, police said.

During the arrest, police discovered that Weems had been hit by gunfire at least twice. He was taken by ambulance to Prince George's Hospital Center, police said.

Smith and Hayes, each with one year of experience, have been placed on routine administrative leave with pay pending an internal investigation. The shooting is the first for both officers. It is the 16th this year by county police officers. Eight were fatal.

[From the Washington Post, Oct. 19, 1993]

YOUTH SURRENDERS IN D.C. POOL SHOOTING

(By Ruben Castaneda)

A 14-year-old who was being sought by D.C. police as the suspected gunman in an attack at a crowded city swimming pool last summer turned himself in yesterday.

The Southeast Washington youth, who was not identified because he is charged as a juvenile, is to be presented today in juvenile court on six counts of assault with intent to kill.

Accompanied by a lawyer, the teenager surrendered about 11 a.m. at police headquarters at Third Street and Indiana Avenue NW, police said.

Investigators said they are not seeking any other suspects in the June 22 attack at the Benning Road Recreation Center in Southeast Washington. A 17-year-old, believed to be an accomplice in the pool shootings, was arrested Friday. He also is charged in the slaying of a 15-year-old male in 1992.

Investigators did not divulge further details yesterday about the investigation and did not say whether they knew of a motive.

At the time of the shooting, police said it was linked to a feud between a gang, or crew, based near Alabama Avenue SE and another gang from the Eastgate public housing complex located near the recreation center.

Police did not say whether the teenager arrested yesterday lives in either neighborhood.

Six children from 5 to 14 years old were wounded in the attack at the pool, which sent scores of people diving and scrambling for cover. Using a semiautomatic handgun, the gunman fired 10 to 20 shots toward the pool from a hill about 40 yards away.

Yesterday's arrest culminated the second investigation into the pool shooting, police said.

In early July, D.C. detectives arrested a 23-year-old man and charged him in the shooting. But at the request of the U.S. attorney's office, which cited weak and contradictory evidence, a Superior Court judge dismissed charges against the man three weeks later. The investigation then was turned over to a group of D.C. detectives who handle old cases, along with agents from the FBI and the federal Bureau of Alcohol, Tobacco and Firearms.

D.C. Council member Kevin P. Chavous (D-Ward 7), who represents the area in which the pool shootings occurred, said he was pleased with the arrest but would not be satisfied until there are court convictions.

Many residents of his ward feel the same. Chavous said. "I don't think you'll see a tremendous public expression of relief," the council member said.

Chavous said he was particularly pleased that the alleged gunman turned himself in. Chavous said he hoped community outrage at the shootings played a role in the youth's decision to give himself up.

"He must have gotten the message that the community will not stand for this," Chavous said.

[From the Washington Post, Oct. 19, 1993]

GUN USED TO KILL VIRGINIA TROOPER LINKED TO EARLIER CASE

(By Carlos Sanchez)

The gun that killed a Virginia state trooper earlier this year had been used only weeks earlier in another slaying in North Carolina, a Prince William County prosecutor said yesterday.

Assistant Commonwealth's Attorney James Willitt said that Lonnie Weeks Jr., of Fayetteville, N.C., was hiding the 9mm Glock semiautomatic pistol when Trooper Jose M. Cavazos pulled him and a relative over during a traffic stop near Dale City on Feb. 24.

Weeks, 21, has been charged with capital murder in the state trooper's slaying, and his trial on that charge began in Manassas yesterday. Few details of the earlier killing, for which Weeks has not been charged, were given to jurors during the prosecutor's 15-minute opening statement.

"Trooper Cavazos was a busy man." Willitt told the jury of nine women and four men. "He was busy with his duties as a state trooper, as a father to two children and as a husband. But Lonnie Weeks was also busy. In North Carolina, he was burglarizing a home in which several items were taken, including a car."

But it was because of that stolen car, defense attorney Daniel Morissette told jurors, that Weeks "had reason to be afraid" when he shot Cavazos, an eight-year member of the force who was called "Poppa" by colleagues.

In a short opening statement and in the line of questioning that defense attorneys presented in choosing the jury, Morissette suggested that though Weeks might be guilty of murder, he is not guilty of capital murder, which can carry the death penalty.

"He panicked. He did something that he deeply regrets," Morissette said, noting that Weeks returned to the scene of the shooting "to see what he could do for Trooper Cavazos."

According to Willitt, Weeks stole a 1987 Volkswagen Jetta and then drove to Washington to meet his uncle, Louis Dukes Jr., 21. Dukes has been charged with first-degree murder in Cavazos's slaying. His trial is scheduled for Nov. 15.

The two men soon headed south on Interstate 95, Willitt said, "and it was at that time that fate caused [them] and Trooper Cavazos to meet."

Cavazos 50, a Persian Gulf War veteran, pulled the vehicle over shortly after midnight on a speeding violation. Willitt said. He told Dukes, who was driving the car, to step out and then ordered Weeks out of the passenger side.

Willitt said that after Cavazos issued a second order to Weeks, the defendant raised the hidden handgun and began firing, striking Cavazos at least five times. As Willitt described the shooting to jurors, the slain trooper's wife, Linda, could be heard crying quietly in the back of the courtroom.

Weeks then took over the driving, but the two men abandoned the car about half a mile away, according to Willitt. He said that witnesses later saw Weeks near the trooper's body. He did not try to render aid, but bent over and picked up a piece of paper, Willitt said. The paper remains a mystery, although Willitt suggested that it was some identification that would tie Weeks to the killing.

Before jury selection began yesterday morning, Weeks pleaded guilty before Circuit Court Judge Herman A. Whisenant Jr. to car theft and also to using a handgun in the commission of a felony.

Commonwealth's Attorney Paul B. Ebert later said that he couldn't understand how Weeks could be guilty of those two crimes without being guilty of the trooper's murder. The pleas, he said, were not part of any plea bargain.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, I ask unanimous consent I may use such time as I may consume under the control of the Republican leader—but not too much time, I am just told.

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

FOREIGN POLICY

Mr. COATS. Madam President, very briefly, I just want to say a couple of things here because I know the time is limited and the requests for that time are numerous.

No. 1, I, like many Senators, abhor the situation that currently exists with the disarray in the administration over establishing clear-cut national foreign policy goals. That leaves a vacuum, and Congress has stepped in to attempt to fill that vacuum. We are really not equipped to do so. We ought to speak in this Nation with one voice. That voice ought to be out of the administration.

As much as I deplore the lack of firm, concise, clear direction out of the administration, I believe that is where the responsibility lies and must lie. Therefore, I will reluctantly vote against the amendment of my friend, the Senator from North Carolina, and support the leadership amendment because it does, I think, retain that necessary balance between the executive branch and the legislative branch in terms of dictating foreign policy.

I clearly have grave reservations about our sending troops to either Haiti or Bosnia. I do think Congress has a voice and needs to play a role. But I do think that direction must come from the executive branch.

Again, as I have on this floor on a number of occasions, I urge the President and his national security team to take this matter with the utmost seriousness. I am encouraged by the comments, the very honest and straightforward comments, made yesterday by Tony Lake, the President's National Security Adviser, in which he admits that the administration has made a series of mistakes in its handling of the issues in Somalia and Haiti.

They have indicated that there are top to bottom weaknesses that they are moving to change. I am pleased that they are finally recognizing this. I am pleased that they are taking steps to change this, and I hope they can do so with clarity and with speed, which will give us some reassurance that we are making progress in these areas.

FAMILY, INVESTMENT, RETIREMENT, SAVINGS AND TAX FAIRNESS ACT

Mr. COATS. Madam President, just taking 1 more minute of time, I will be introducing today legislation on another matter. It addresses the inequities that exist in the Tax Code relative

to support for families. It encourages savings and investment to provide jobs for Americans, and it addresses the deficit and deficit reduction, all items that I think are important.

We hope to carve out some time where a number of Members can come over and discuss this in detail. It is called the Family, Investment, Retirement, Savings, and Tax Fairness Act. I am going to introduce it today, along with cosponsors Senators HUTCHISON, LOTT, CRAIG, MACK, NICKLES, BURNS, MCCAIN, GRAMM, and BENNETT, and others who have shown interest. We will carve out some time, hopefully next week, to detail this in terms of what it seeks to accomplish.

Madam President, with that, I yield the floor.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. MATHEWS addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. MATHEWS. Madam President, I ask unanimous consent that I be allowed to speak for up to 5 minutes on the time allotted to the majority leader.

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

Mr. MATHEWS. Madam President, this current debate concerns me, and I come this morning to speak to the body and speak as a freshman Member and one who might be a little quieter than those who have already spoken. There are some things on my mind that I would like to share with my colleagues.

I am told that on every Senator's desk, somewhere on Capitol Hill, is a set of book-bound reports titled "Legislation on Foreign Relations."

Those reports itemize every bill currently in force that affects conduct of U.S. foreign policy. In 1960—when the Congressional Research Service first prepared that document—it was 1 volume and 519 pages. Today, foreign policy legislation sprawls over five CRS volumes, nearly 8,000 pages.

Over 30-plus years, Congress has intruded steadily into the prominence of the Executive branch to set and execute foreign policy. Three decades of incursion is unacceptable enough. But in recent legislative days, Congress' desire to impede Presidential authority has gone beyond our reasonable role. It is time that it ceased.

I speak as a freshman Senator—a freshman who respects the intentions of predecessors who filled the five volumes I spoke of—and a freshman who believes his current colleagues act from good intentions. But freshman or not, this Senator also supports the separation of powers doctrine. I believe our Constitution does the wise thing in granting the Executive power to propose and direct while granting Congress power to dispose and disburse funds.

The Framers of our Constitution knew that the President could not seek congressional consent for every response to threats against American interests. Today, American troops are deployed because their President had to make several such decisions. Congress shares a responsibility when American forces are sent into action. But the paramount decision rests with the Commander in Chief, and so does the power to carry out that decision.

The line between congressional and Executive power moves with time and circumstance. But that line should not meander with an occasion for political point-making. When Ronald Reagan committed American troops in Grenada—when George Bush drew the line in Panama and again in the sands of Saudi Arabia—they were backed by those who would now curtail this President in exerting his Presidential authority. The comparison and the conclusions from it are unavoidable.

The President must retain power to commit military forces, deal with unstable situations, and react to threats against American lives and national interests. We cannot ask allies to join us in the rightful use of arms if they know political alliances on Capitol Hill will abridge our involvement. Adversaries will not respect the threat of American military might unless the word of our Commander in Chief can bring that might to bear.

Congress must exercise its right to demand explanation of the President, to call his advisers to account, and to air conflicting viewpoints through committee testimony. Above all, Congress must demand its right to be consulted. Frankly, this issue might have been defused if we had been consulted before some recent actions.

However, that does not change the basic point I wish to make this morning. The powers of the Executive are distinctly different from those of the Congress. Trying to micromanage foreign policy by legislation—or conduct military operations by amendment—does little to refute charges that Congress is trying to dictate in the domain of the Executive. The rightful power of Congress is the power of the purse. We should exercise that power in foreign policy only when a dire breach of sense—or a grotesque interpretation of national interest—makes it unconscionable to risk American lives.

Such is clearly not the case today. That extreme has not been reached. The extreme rests with those who call Congress to unwarranted use of budgetary power.

I would be remiss if I failed to thank both the majority and Republican leaders for the accord which they reached yesterday. It appears that reason has won over emotion and expediency.

I plan to support the Dole-Mitchell amendment today, and I want to thank the Chair and thank my colleagues for the opportunity to speak this morning on this subject.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I ask unanimous consent to use up to 10 minutes of the time of the supporter of the amendment.

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

Mr. MCCAIN. Madam President, I rise in support of the amendment under consideration that is being proposed by Senator DOLE, Senator MITCHELL, and others. I want to especially express my appreciation and, to some extent, sympathize with Senator DOLE as he and every Member of this body has struggled to respond to the will of the American people, which is to stop this reckless adventurism and unfocused military policy and, at the same time, not infringe upon the constitutional powers of the President of the United States.

I appreciate his continued negotiations with the administration and with others, including this Senator, as we have tried to find a balanced amendment, yet one that sends a clear and unmistakable message to the President of the United States that the people of this country are not prepared to send military troops into Haiti without prior approval of the Congress and the American people.

I believe that the amendment which we are considering, largely due to the efforts of Senator DOLE, is an appropriate one. It is a very serious mistake for us to militarily intervene in Haiti, and I remind my colleagues again that the only way we will prevent a repetition of the lessons of history is to pay close attention to them.

In the book entitled the "History of the United States Marine Corps," is well chronicled the events that took place, our earlier occupation of Haiti, which lasted from 1915 to 1934, where our original intent was to "protect the Americans and their interests in Haiti."

It was an incursion that was envisioned to be of a very short period of time, a matter of a few months, but ended up lasting 19 years, with the loss of many American lives and the loss of many Haitian lives. I know of no historian who judges Haiti to be better off from having been occupied by the United States Marine Corps for 19 years.

I do not know, Madam President—and I believe and I hope that an investigation will so show—why the United States of America dispatched a few hundred lightly armed Americans to Port-au-Prince to be frightened off by a

band of thugs. Some incredibly bad prior planning must have gone into what can only be perceived to be a national embarrassment.

I would also like to say a few words about President Aristide. I heard passionate defenses of President Aristide in this Chamber and in the media in the last few days.

Madam President, I think there should be a thorough examination of all President Aristide's behavior and the information that was received by Senators yesterday in a briefing by the CIA and the State Department before we put all our money and the U.S. prestige behind this individual. The total record of this man's behavior should be made clear to the American people and let them judge.

Did President Aristide have a role in the execution of one of his political opponents? That should be known. Did President Aristide glorify the horrible practice of "necklacing," of putting automobile tires around people's necks and lighting them on fire? That is a question that needs to be examined and fully, I believe, understood by the people of this country before we support him.

Is there another way to bring about a peaceful settlement in Haiti? I do not know, but I am concerned. I am concerned that in the past we have placed all of our prestige and United States influence behind one individual and more than once we have been disappointed, including the early days of the Vietnam war when we supported Ngo Dinh Diem and then later colluded in his assassination.

Madam President, I am very worried about the events that are still continuing in Somalia. What we have done is we have placed Americans in bunkers. They are hunkered down.

According to the Washington Post, they are not even going out on patrols. They are not trying to control the streets. The Rangers have been withdrawn. The Clinton administration has added troops to or withdrawn them from Somalia at least five times. According to the Washington Post:

"This whipsawing of the force package and the description of what we think we are doing is fairly typical of this administration so far," said one senior officer who usually reflects the thinking of top military leaders. "The MTV generation doesn't seem to have much of an attention span."

I think that is true about Haiti. I think it is true about Somalia. I think it is true about Bosnia. Madam President, the American people deserve better. We are not talking about domestic issues. We are talking about the lives of the men and women who volunteer to serve this Nation.

In Bosnia, we have taken every possible position that we could. In the case of Somalia, clearly the military advice and recommendation of our military leaders has been overruled.

President Clinton told reporters the Joint Chiefs, the chairman, vice chairman, and force service chiefs were themselves split on the question of sending armor to Somalia. However, reliable sources say General Montgomery's request was never discussed by the Joint Chiefs. The White House put the military on course in Somalia of following U.N. wishes to hunt down fugitive warlord Mohamed Farah Aideed, yet Marine Corps Commander * * * of U.S. Central Command which oversees forces in Somalia told a closed meeting of the Senate Armed Services Committee last week that he opposed the hunt for General Aideed.

General Aideed must be a chameleon-like character; he has gone from a thug and fugitive to a major player in the peace process in Somalia, an amazing transformation.

Military officials in the Pentagon opposed sending a group of lightly armed military engineers to Haiti because of their concerns for their safety.

Madam President, why were not the views of military officials taken into consideration when they went to Haiti and then were scared off by a band of thugs at the dock at Port-au-Prince? What is wrong with the decisionmaking process in this country? It is badly in need of repair.

I support the amendment and appreciate the leadership of Senator DOLE on this issue.

Mr. DOLE. Madam President, I yield 5 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, I thank my distinguished colleague, Senator DOLE, for the allocation of some time. I support the Mitchell-Dole amendment, Madam President, because I think it is an appropriate political accommodation to the very pressing problems pending in Haiti. It also demonstrates that even with strident differences of opinion between Members of the Congress and the executive branch over serious foreign relations problems, the Constitution of the United States is working. A good faith effort has been made to work out the details of a political accommodation which will leave the President sufficient flexibility in his authority as Commander in Chief and yet set a broad range of conditions for appropriate congressional involvement.

During the course of the last several weeks, there has been a temptation for the Congress to exercise greater authority over foreign policy through the power of the purse, the power to control expenditures. We have seen a series of amendments by Senator BYRD, Senator MCCAIN, Senator NICKLES, Senator HELMS, and others to ensure congressional involvement and to stop certain Presidential activity. The temptation has been great, Madam President, because the administration policy has been uncertain, vacillating, indefinite and sometimes near panic. As we have looked at circumstances in Somalia there have also been major reversals of administration policy in Bosnia; and in Haiti there has been uncertainty and vacillation with respect to what the President intends to do.

This has been followed by consultation with the Congress where there are people who have extensive experience in matters of foreign affairs and who want to still leave appropriate latitude for the executive branch.

Yesterday, Madam President, I spoke in opposition to the amendment offered by the distinguished Senator from North Carolina, because I thought it was too restrictive of executive authority in that it requires authorization in advance, thus limiting the President's authority to temporary deployment.

An amendment has been carefully crafted and presented by many Senators, led by our leaders, Senator MITCHELL and Senator DOLE, which leaves appropriate latitude for Presidential discretion. Without reviewing the details of the amendment, again because of insufficient time, there are provisions in section (b)(3) for Presidential action where there are vital national security interests involved.

While there are some other limitations and parameters, the President has extensive discretion to make that determination of national security interest.

There is a further exception for the President in subsection (c) where there are again a variety of conditions but the critical issue is whether there is justification by U.S. national security interests. As I read this amendment, there is sufficient latitude.

So the important events in Bosnia, Somalia, and Haiti have led the Senate to negotiate with the President, and work out a formula which may well apply in the future for situations where the parameters of Presidential authority are circumscribed to some extent. However, there is still the essence of Presidential power to determine when the national security interests of the United States require executive action.

It would be counterproductive and set a bad precedent if the events of today led us to excessive limitations on Presidential authority.

So this is an appropriate political accommodation. It shows that the United States Constitution is working, and it sets the parameters for appropriate action in Haiti.

Mr. DOLE. Madam President, as I understand the time of the proponents has expired?

The PRESIDING OFFICER. The Senator from Kansas continues to control 6 minutes 10 seconds.

Mr. DOLE. If I could just take 1 minute of the 6 minutes, I think Senator HELMS is going to yield a few minutes to the Senator from Kentucky.

I want to make one statement because I think the press—I never quarrel with the press. We were honored to

have President Bush to come by to meet with a few of us yesterday at the luncheon. I said, if you have any questions of the President, come in. They came in, and the President very obligingly said, I will support the leadership here.

I was there, and Congressman BOB MICHEL. They never even touched on the Haiti amendment or the Bosnian amendment.

I am appalled to read in this morning's paper, I guess it started with AP—that President Bush is supporting limits on Presidential powers, which he obviously never has done and did not do yesterday. What he was saying in effect, because we were all friendly, was what a great job we were doing. That is about all, in a very general way.

So, I want to correct any impression that the press may have, or anybody else may have, that President Bush came up here yesterday and in effect tried to pick a quarrel with President Clinton. He did not. He agreed with President Clinton. Every President agrees that there should not be any infringement on their authority.

We do not agree with that, but the President and the former Presidents do.

So, I wanted to set the record straight. And we were very honored to have President Bush here. I am sorry that happened, and I hope I did not cause him any discomfort. But he did issue a statement this morning saying pretty much what I just related.

He is not quarreling with Presidential authority. In fact, he wants to protect it. We have a different view as Members of Congress. We are in a different branch.

But I thought the record should be corrected. I hope whoever made the mistake—because there were several people in the press there, and only one or two got that impression—would now run a correction that President Bush did not even indicate, in fact barely discussed this issue, or Bosnia, or Somalia in our 1-hour meeting.

Madam President, the majority leader is on the floor.

Mr. HELMS addressed the Chair.

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

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, I yield 4 minutes to the distinguished Senator from Kentucky, Mr. MCCONNELL, and 3 minutes to the distinguished Senator from Virginia, Mr. WARNER.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. MCCONNELL] is recognized.

Mr. MCCONNELL. Madam President, I thank my friend from North Carolina very much for giving me a few minutes.

The reason we have been having these foreign policy debates for the last week or so is because the Congress simply does not have any confidence in the President's ability in this area.

I think it has been useful, very useful for him. I think we have gotten his attention. I think he is finally beginning to sort out his priorities.

I have consistently opposed efforts to restrict President Clinton's options over the last week as we have dealt with various amendments on Somalia. And we will be dealing with Bosnia as well.

I am going to oppose efforts to restrict his options on Haiti, not because I have any great confidence in the ability that he has exhibited in foreign policy, but because I think it is important having argued against those kinds of prior restrictions under President Reagan and President Bush to take the same position with regard to President Clinton.

Having made that point, it seems to me, Madam President, that the message the President ought to get is clear. We do have a national interest in Haiti. Any way you want to define it, national security interests, national interests, vital interests, regardless of what you think the test ought to be, we have that interest in Haiti.

From my point of view, Aristide is not the issue. He won the election. But Aristide is not the issue. The Haitians can sort that out and decide who they want to be in charge of their country. Obviously they have a horrible mess down there. But America's interest is not in going around the world restoring leaders of one kind or another in power. America's interest is in protecting the United States.

Why do we have a vital interest in Haiti? It has been stated time and time again on the floor. It is not because unhappy Haitians want to come to the United States. In fact, the President before he was sworn in almost invited them to come in the United States, before he switched the policy back to essentially the same position President Bush took.

I think the President is now on the right track. At least insofar as he is sending warships down to the area, making the message clear that we would like for Haitians to stay in Haiti and work this problem out for themselves.

I think we are moving in the right direction. I do not think we ought to restrict any of the President's options that he may employ in dealing with the Haitian problem, because dealing with the Haitian problem is directly in our national interest, unlike the situation in Somalia where there is no American national interest whatsoever.

I am going to reluctantly oppose the amendment of my friend from North Carolina. My own view is that Aristide is not the issue.

I think Haiti is important to the United States. I hope this President is going to spend more time focusing his foreign policy attention on Haiti, because that is the place where we clearly by any standard have a national interest.

I am going to support the Senate leadership amendment. I think it goes in the right direction.

I want to thank my friend from North Carolina.

Mr. DODD. Madam President, will my colleague from Kentucky yield?

Mr. MCCONNELL. I have no time to yield.

Mr. DODD. Madam President, I ask unanimous consent that the Senator from Kentucky have 30 seconds.

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

Mr. DODD. I want to commend the Senator from Kentucky. He has put it about as neatly and tightly as can be said. We can end the debate as far as I am concerned. He has pointed out exactly the issue. It is not about individuals or personalities. It is about our interest. It is a process we would like to support.

The Senator from Kentucky has said it very well. I commend him.

Mr. MCCONNELL. I thank my friend from Connecticut.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, I would like to commend our leadership for this amendment on Haiti. I am pleased to be a cosponsor of it and to have assisted in its development.

For over 200 years, debate has occurred about the scope and extent of the respective military and foreign affairs powers of the President and the Congress under the Constitution. Our objective must be to advance U.S. interests through the coordinated exercise of the shared constitutional powers of the President and the Congress. The Dole-Mitchell amendment is designed to accomplish that goal.

The United States seeks to support democracy, freedom, and free enterprise in Haiti. There is in the United States a significant debate about whether there should be any U.S. military role in that effort and what any such role should be. Thus, it is particularly important that Congress have a role in making any future decision on a United States military role in Haiti. We need close consultation between the executive branch and the Congress and careful deliberation before any decision is made to commit United States forces to Haiti.

The Dole-Mitchell amendment expresses the sense of Congress that United States troops generally should not be sent into Haiti unless Congress enacts a law authorizing it. The amendment is, of course, careful not to interfere in any way with use of the armed forces for the evacuation or protection of Americans in Haiti.

The Dole-Mitchell amendment also excludes any restrictions on use of members of the Armed Forces to collect foreign intelligence, operate and protect diplomatic facilities, or counter emigration from Haiti to the United States. As vice chairman of the Select Committee on Intelligence, and without referring in any way to anything that may or may not be occurring in Haiti, I note that I asked for the exclusion of collection of foreign intelligence in recognition that use of members of the Armed Forces can become urgently necessary in these types of situations for advance force reconnaissance, rescue of cooperating sources of foreign intelligence, or collection of imagery, signals, and other types of intelligence. These intelligence activities are, of course, all subject to congressional oversight in accordance with title V of the National Security Act of 1947.

I urge my colleagues to support the Dole-Mitchell amendment to allow Congress to fulfill its proper role in any future national debate on whether to send United States troops to Haiti.

Because of the importance of the constitutional principles the Senate has discussed in connection with its debates of recent days on the situations in Haiti, Somalia, and Bosnia, I ask unanimous consent that there be printed in the CONGRESSIONAL RECORD at this point the legal opinion of the Assistant Attorney General of the Office of Legal Counsel dated February 12, 1980, entitled "Presidential Power to Use the Armed Forces Abroad Without Statutory Authorization" and the accompanying appendix containing the legal opinion of the Assistant Attorney General of the Office of Legal Counsel dated October 26, 1983, entitled "War Powers Resolution: Detailing of Military Personnel to the CIA."

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

PRESIDENTIAL POWER TO USE THE ARMED FORCES ABROAD WITHOUT STATUTORY AUTHORIZATION

FEBRUARY 12, 1980.

MEMORANDUM OPINION FOR THE ATTORNEY GENERAL

This responds to your request for our review of certain questions regarding the effect of the War Powers Resolution on the President's power to use military force without special congressional authorization and related issues. We have considered the President's existing power to employ the armed forces in any of three distinct kinds of operations: (1) deployment abroad at some risk of engagement—for example, the current presence of the fleet in the Persian Gulf region; (2) a military expedition to rescue the hostages or to retaliate against Iran if the hostages are harmed; (3) an attempt to repel an assault that threatens our vital interests in that region. We believe that the President has constitutional authority to order all of the foregoing operations.

We also conclude that the War Powers Resolution, 50 U.S.C. §§1541–1548, has neither the purpose nor the effect of modifying the President's power in this regard. The Resolution does, however, impose procedural requirements of consultation and reporting on certain presidential actions, which we summarize. The Resolution also provides for the termination of the use of the armed forces in hostilities within 60 days or sooner if directed by a concurrent resolution of Congress. We believe that Congress may terminate presidentially initiated hostilities through the enactment of legislation, but that it cannot do so by means of a legislative veto device such as a concurrent resolution.

I. The President's Constitutional Authority to Employ the Armed Forces

The centrally relevant constitutional provisions are Article II, §2, which declares that "the President shall be Commander in Chief of the Army and Navy of the United States," and Article I, §8, which grants Congress the power "To declare War." Early in our constitutional history, it perhaps could have been successfully argued that the Framers intended to confine the President to directing the military forces in wars declared by Congress.[1] Even then, however, it was clear that the Framers contemplated that the President might use force to repel sudden invasions or rebellions without first seeking congressional approval.[2]

In addition to the Commander-in-Chief Clause, the President's broad foreign policy powers support deployment of the armed forces abroad.[3] The President also derives authority from his duty to "take Care that the Laws be faithfully executed,"[4] for both treaties and customary international law are part of our law and Presidents have repeatedly asserted authority to enforce our international obligations[5] even when Congress has not enacted implementing legislation.

We believe that the substantive constitutional limits on the exercise of these inherent powers by the President are, at any particular time, a function of historical practice and the political relationship between the President and Congress. Our history is replete with instances of presidential uses of military force abroad in the absence of prior congressional approval. This pattern of presidential initiative and congressional acquiescence may be said to reflect the implicit advantage held by the executive over the legislature under our constitutional scheme in situations calling for immediate action. Thus, constitutional practice over two centuries, supported by the nature of the functions exercised and by the few legal benchmarks that exist, evidences the existence of broad constitutional power.[6]

The power to deploy troops abroad without the initiation of hostilities is the most clearly established exercise of the President's general power as a matter of historical practice. Examples such actions in the past include the use of the Navy to "open up" Japan, and President Johnson's introduction of the armed forces into the Dominican Republic in 1965 to forestall revolution.

Operations of rescue and retaliation have also been ordered by the President without congressional authorization even when they involved hostilities. Presidents have repeatedly employed troops abroad in defense of American lives and property. A famous early example is President Jefferson's use of the Navy to suppress the Barbary pirates. Other instances abound, including protection of American citizens in China during the Boxer Rebellion in 1900, and the use of troops in 1916 to pursue Pancho Villa across the Mexican border. Recent examples include the Danang sealift during the collapse of Vietnam's defenses (1975); the evacuation of Phnom Penh (Cambodia, 1975); the evacuation of Saigon (1975); the *Mayaguez* incident (1975); evacuation of civilians during the civil war in Lebanon (1976); and the dispatch of forces to aid American victims in Guyana (1978).

This history reveals that purposes of protecting American lives and property and *retaliating* against those causing injury to them are often intertwined. In *Durand* v. *Hollins*, 8 F. Cas. 111 (No. 4186) (C.C.S.D.N.Y. 1860), the court upheld the legality of the bombardment of a Nicaraguan town which was ordered because the local authorities refused to pay reparations for an attack by a mob on the United States Consul. Policies of deterrence seem to have eroded any clear distinction between cases of rescue and retaliation.

Thus, there is much historical support for the power of the President to deploy troops without initiating hostilities and to direct rescue and retaliation operations even where hostilities are a certainty. There is precedent as well for the commitment of United States armed forces, without prior congressional approval or declaration of war, to aid an ally in repelling an armed invasion, in President Truman's response to the North Korean invasion of South Korea.[7] But clearly such a response cannot be sustained over time without the acquiescence, indeed the approval, of Congress, for it is Congress that must appropriate the money to fight a war or a police action. While President have exercised their authority to introduce troops into Korea and Vietnam[8] without prior congressional authorization, those troops remained only with the approval of Congress.

II. Judicial Review of the President's Exercise of Constitutional Power

In the only major case dealing with the role of the courts with regard to this general subject, the Supreme Court upheld presidential power to act in an emergency without prior congressional authority. In the *Prize Cases*, 67 U.S. 635 (1863), the Court upheld President Lincoln's blockade of Southern ports following the attack on Fort Sumter. The Court thought that particular uses of inherent executive power to repel invasion or rebellion were "political questions" not subject to judicial review: "This Court must be governed by the decisions and acts of the political department of the Government to which this power was entrusted." (*Id.* at 670). The Court's unwillingness to review the need for presidential action in a particular instance in the *Prize Cases* or since has left the field to the President and Congress; much has depended on presidential restraint in responding to provocation, and on congressional willingness to support his initiatives by raising and funding armies.

More recently, the courts have applied the rationale of the *Prize Cases* to avoid judicial review of the constitutionality of the President's actions with regard to the Vietnam conflict.[9] Although the Supreme Court did not hear argument in the case, we believe some significance may be attached to the Court's summary affirmance of a three-judge court's decision that the constitutionality of the government's involvement in that conflict was a political question and thus unsuitable for judicial resolution. *Atlee* v. *Laird*, 347 F. Supp. 689 (E.D.Pa. 1972), *aff'd.* 411 U.S. 911 (1973).

III. The President's Statutory Powers

Congress has restricted the President's ability to rely on statutory authority for the

Footnotes at end of article.

use of armed force abroad by its provision in the War Powers Resolution that authority to introduce the armed forces into hostilities or into situations "wherein involvement in hostilities is clearly indicated by the circumstances" is not to be inferred from any statutory provision not specifically authorizing the use of troops and referring to the War Powers Resolution. 50 U.S.C. §1547. Thus, the President may not rely on statutory authority for military actions clearly involving hostilities unless the statute expressly authorizes such actions.

Nevertheless, it may be possible for the President to draw authority for some actions not involving the use of the armed forces in actual or imminent hostilities from the provisions of an 1868 statute, now 22 U.S.C. §1732:

"Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress."

We are unaware of any instances in which this provision has been invoked. It was passed in response to a dispute with Great Britain after the Civil War, in which that nation was trying its former subjects, who had become naturalized Americans, for treason. The House version of the bill, which would have authorized the President to suspend all commerce with the offending nation and to round up its citizens found in this country as hostages, was replaced by the present language which was in the Senate bill. Cong. Globe, 40th Cong., 2d Sess. 4205, 4445–46 (1868). It is not clear whether this change was meant to restrict the President to measures less drastic than those specified in the House bill. It is also not clear what Congress meant by the phrase "not amounting to acts of war." At least Congress did not seem to be attempting to limit the President's constitutional powers.

IV. The War Powers Resolution

The War Powers Resolution, 50 U.S.C. §§1541–48, begins with a statement of purpose and policy that seems designed to limit presidential use of armed forces in hostilities to situations involving a declaration of war, specific statutory authorization, or an attack on the United States, its possessions, or its armed forces. This policy statement, however, is not to be viewed as limiting presidential action in any substantive manner. That much is clear from the conference report, which states that subsequent portions of the Resolution are not dependent on the policy statement,[10] and from its construction by the President since its enactment.

The important provisions of the Resolution concern consultation and reporting requirements and termination of the involvement of the armed forces in hostilities. The Resolution requires that the President consult with Congress "in every possible instance" before introducing the armed forces into hostilities, and regularly thereafter. 50 U.S.C. §1542.

The reporting requirements apply not only when hostilities are taking place or are imminent, but also when armed forces are sent to a foreign country equipped for combat. 50 U.S.C. §1543(a) (2), (3). The report must be filed within 48 hours from the time that they are introduced into the area triggering the requirement, and not from the time that the decision to dispatch them is made.[11] The report must include:

(A) The circumstances necessitating the introduction of United States Armed Forces;

(B) the constitutional and legislative authority under which such introduction took place; and

(C) the estimated scope and duration of the hostilities or involvement.

50 U.S.C. §1543(a)(3). Reports which have been filed in the past have been brief and to the point. The reference to legal authority has been one sentence, referring to the President's constitutional power as Commander-in-Chief and Chief Executive.[12]

The Resolution requires the President to terminate any use of the armed forces in hostilities after 60 days unless Congress has authorized his action.[13] It also requires termination whenever Congress so directs by concurrent resolution.[14]

As enacted, the ambiguous language of the Resolution raises several issues of practical importance regarding the scope of its coverage as well as questions of constitutional magnitude. We shall discuss first several issues related to the scope of its coverage and then discuss several constitutional issues it raises.

A threshold question is whether the Resolution's use of the term "United States Armed Forces" was intended to reach deployment or use by the President of personnel other than members of the Army, Air Force, Marine Corps, Navy, or Coast Guard functioning under the control of the Secretary of Defense and the Joint Chiefs of Staff. For example, does it extend to military personnel detailed to and under the control of the Central Intelligence Agency (CIA), CIA agents themselves, or other individuals contracting to perform services for the CIA or the Department of Defense? We believe that none of these personnel are covered by the Resolution.*

The provision most closely on point is §1547(c), which defines the term "introduction of United States Armed Forces" to include "the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country" in actual or imminent hostilities. This provision appears to be intended to identify activities subject to the Resolution, and not the identity of persons constituting "members of such armed forces." It could be argued that anyone officially a member of the armed forces of this country, although on temporary detail to a civilian agency, is within this provision and therefore covered by the Resolution. The legislative history of the Resolution, however, persuades us to take a contrary view. In the Senate, where §1547(c) originated, Senator Eagleton introduced the following amendment:

"Any person employed by, under contract to, or under the direction of any department or agency of the United States Government who is either (a) actively engaged in hostilities in any foreign country; or (b) advising any regular or irregular military forces engaged in hostilities in any foreign country shall be deemed to be a member of the Armed Forces of the United States for the purposes of this Act."

He explained that it was intended to cover CIA paramilitary operations involving persons who might be military officers under contract to the CIA. 119 Cong. Rec. 25,079–83 (1973). He recognized that without this amendment the Resolution as drafted would not cover the activities in Laos as leading to America's Indo-China involvement. Senators Muskie and Javits opposed the amendment, principally for reasons of committee jurisdiction. They argued that if the Resolution were extended to cover the CIA, its chances to escape presidential veto might be jeopardized, and that the matter should be considered pursuant to proposed legislation to govern the CIA. Senator Javits also argued that the amendment was overbroad, since it would include foreign nationals contracting with the CIA. He argued that CIA activities should not be within the Resolution, because the CIA lacks the appreciable armed force that can commit the Nation to war. Senator Fulbright came to Senator Eagleton's defense, arguing that the amendment, applying to the CIA and DOD civilians alike, would avoid circumvention of the Resolution *Id.* at 25,083–84. No one suggested that the Resolution would apply to anyone other than military personnel under Department of Defense control unless the amendment passed. The amendment was defeated.[15]

In the House of Representatives, Congressman Badillo asked Congressman Zablocki, the manager of the bill, whether he would support in the conference committee a Senate provision that would include the CIA within the bill when it carried out military functions. Congressman Zablocki replied that he would support the Eagleton amendment if it passed the Senate. 119 Cong. Rec. 24,697 (1973).

Another provision of the Resolution that had its source in the House is consistent with the view that the Resolution was not intended to apply to CIA paramilitary activities. The reporting requirements of §1543(a)(2) apply when the armed forces are introduced "into the territory, air space or waters of a foreign nation, while equipped for combat * * *." It is clear from H.R. Rep. No. 287, 93d Cong., 1st Sess. 8 (1973), that this provision was using the term "armed forces" to mean significant bodies of military personnel:

"A report would be required any time combat military forces were sent to another nation to alter or preserve the existing political status quo or to make the U.S. presence felt. Thus, for example, the dispatch of Marines to Thailand in 1962 and the quarantine of Cuba in the same year would have required Presidential reports."

A companion provision reinforces the view that the Resolution applies only to significant bodies of military personnel. The House report goes on to discuss §1543(a)(3), which requires a report when the number of armed forces equipped for combat is substantially enlarged in a foreign nation. For examples of substantial increases in combat troops, the report gives the dispatch of 25% more troops to an existing station, or President Kennedy's increase in U.S. military advisers in Vietnam from 700 to 16,000 in 1962.

The second threshold question raised by the War Powers Resolution regards the meaning of the word "hostilities" as used in §1543(a)(1). In the 1975 hearings on executive compliance with the Resolution, Chairman Zablocki of the subcommittee on International Security and Scientific Affairs drew the Legal Adviser' attention to a discussion of "hostilities" in the House report on the Resolution:

"The word hostilities was substituted for the phrase armed conflict during the subcommittee drafting process because it was

considered to be somewhat broader in scope. In addition to a situation in which fighting actually has begun, hostilities also encompasses a state of confrontation in which no shots have been fired but where there is a clear and present danger of armed conflict. 'Imminent hostilities' denotes a situation in which there is a clear potential either for such a state of confrontation or for actual armed conflict."

H.R. Rep. No. 287, 93d Cong., 1st Sess. 7 (1983) (emphasis added) Chairman Zablocki then requested the views of the Department of State and Defense regarding the executive's interpretation of the term "hostilities" in view of the language quoted above. Those Departments responded in a letter to the Chairman dated June 5, 1975, reprinted in War Powers: A Test of Compliance at 38–40. After first noting that "hostilities" is "definable in a meaningful way only in the context of an actual set of facts," the letter went on to state that, as applied by the executive, the term included: "a situation in which units of the U.S. armed forces are actively engaged in exchanges of fire with opposing units of hostile forces, and "imminent hostilities" was considered to mean a situation in which there is a serious risk from hostile fire to the safety of United States forces. In our view, neither term necessarily encompasses irregular or infrequent violence which may occur in a particular area."

Id. at 39.

We agree that the term "hostilities" should not be read necessarily to include sporadic military or paramilitary attacks on our armed forces stationed abroad. Such situations do not generally involve the full military engagements with which the Resolution is primarily concerned. For the same reason, we also believe that as a general matter the presence of our armed forces in a foreign country whose government comes under attack by "guerrilla" operations would not trigger the reporting provisions of the War Powers Resolution unless our armed forces were assigned to "command, coordinate, participate in the movement of, or accompany" the forces of the host government in operations against such guerrilla operations.[16] 50 U.S.C. § 1547(c).

Furthermore, if our armed forces otherwise lawfully stationed in a foreign country were fired upon and defended themselves, we doubt that such engagement in hostilities would be covered by the consultation and reporting provisions of the War Powers Resolution. The structure and thrust of those provisions is the "introduction" of our armed forces into such a situation and not the fact that those forces may be engaged in hostilities. It seems fair to read "introduction" to require an active decision to place forces in a hostile situation rather than their simply acting in self-defense.[17]

A final issue of statutory construction involves interpretation of the requirement for consultation with "Congress."[18] As a practical matter, consultation with more than a select group of congressional leaders has never been attempted. The Legal Adviser of the State Department has argued for this Administration, correctly in our view, that there are practical limits to the consultation requirement; he has said that meaningful consultations with "an appropriate group of congressional representatives should be possible."[19] During the *Mayaguez* incident about ten House and eleven Senate Members were contacted concerning the measures to be taken by the President.[20]

In requiring consultation in "every possible instance," Congress meant to be firm yet flexible. H.R. Rep. No. 287, 93d Cong., 1st Sess. 6 (1973). The House report continued:

"The use of the word "every" reflects the committee's belief that such consultation prior to the commitment of armed forces should be inclusive. In other words, it should apply to extraordinary and emergency circumstances—even when it is not possible to get formal congressional approval in the form of a declaration of war or other specific authorization.

"At the same time, through use of the word "possible" it recognizes that a situation may be so dire, e.g., hostile missile attack underway, and require such instantaneous action that no prior consultation will be possible."

The State Department Legal Adviser, again speaking for this Administration, has pointed out the problem that exists in emergencies, noting that "[B]y their very nature some emergencies may preclude opportunity for legislative debate prior to involvement of the Armed Forces in hostile or potentially hostile situations." He recognized, however, that consultation may be had "in the great majority of cases."[21]

There may be constitutional considerations involved in the consultation requirement. When President Nixon vetoed the Resolution, he did not suggest that either the reporting or consultation requirements were unconstitutional. Department of State Bulletin, November 26, 1973, at 662–64. No Administration has taken the position that these requirements are unconstitutional on their face. Nevertheless, there may be applications which raise constitutional questions. This view was stated succinctly by State Department Legal Adviser Leigh:

"Section 3 of the War Powers Resolution has, in my view, been drafted so as not to hamper the President's exercise of his constitutional authority. Thus, Section 3 leaves it to the President to determine precisely how consultation is to be carried out. In so doing the President may, I am sure, take into account the effect various possible modes of consultation may have upon the risk of a breach in security. Whether he could on security grounds alone dispense entirely with "consultation" when exercising an independent constitutional power, presents a question of constitutional and legislative interpretation to which there is no easy answer. In my personal view, the resolution contemplates at least some consultation in every case irrespective of security considerations unless the President determines that such consultation is inconsistent with his constitutional obligation. In the latter event the President's decision could not as a practical matter be challenged but he would have to be prepared to accept the political consequences of such action, which might be heavy."

War Powers: A Test of Compliance at 100. Other constitutional issues raised by the Resolution concern the provisions terminating the use of our armed forces either through the passage of time (60 days) or the passage of a concurrent resolution.

We believe that Congress may, as a general constitutional matter, place a 60-day limit on the use of our armed forces as required by the provisions of § 1544(b) of the Resolution. The Resolution gives the President the flexibility to extend that deadline for up to 30 days in cases of "unavoidable military necessity." This flexibility is, we believe, sufficient under any scenarios we can hypothesize to preserve his constitutional function as Commander-in-Chief. The practical effect of the 60-day limit is to shift the burden to the President to convince the Congress of the continuing need for the use of our armed forces abroad. We cannot say that placing that burden on the President unconstitutionally intrudes upon his executive powers.

Finally, Congress may regulate the President's exercise of his inherent powers by imposing limits *by statute*. We do not believe that Congress may, on a case-by-case basis, require the removal of our armed forces by passage of a concurrent resolution which is not submitted to the President for his approval or disapproval pursuant to Article I, §7 of the Constitution.

JOHN M. HARMON,
Assistant Attorney General,
Office of Legal Counsel.

FOOTNOTES

[1] Hamilton, in The Federalist No. 69, disparaged the President's power as that of "first General and Admiral" of the Nation, contrasting it to that of the British king, who could declare war and raise and regulate armies.

[2] *See* M. Farrand, 2 The Records of the Federal Convention of 1787, 318–19 (1911). Other presidential actions, such as protecting American lives and property abroad and defending our allies, were not directly considered by the Framers. This is understandable: the military needs of the 18th century probably did not require constitutional authority for immediate presidential action in case of an attack on an ally.

[3] *See generally United States* v. *Curtiss-Wright Export Corp.*, 299 U.S. 304 (1936).

[4] *See In re Neagle*, 135 U.S. 1 (1890) (broad view of inherent presidential power to enforce constitutional as well as statutory provisions).

[5] It should be observed, however, that treaties may not modify the basic allocation of powers in our constitutional scheme *Reid* v. *Covert*, 354 U.S. 1 (1957). Mutual defense treaties are generally not self-executing regarding the internal processes of the signatory powers. Similarly, customary international law, which includes authority for reasonable reprisals in response to another country's breach of international obligation, probably does not confer authority on the President beyond the warrant of necessity.

[6] In other contexts, the Supreme Court has recognized the validity of longstanding presidential practices never expressly authorized by Congress but arguably ratified by its silence. *See United States* v. *Midwest Oil Co.*, 236 U.S. 459 (1915) (withdrawal of public lands from private acquisition).

[7] Although support for this introduction of our armed forces into a "hot" war could be found in the U.N. Charter and a Security Council resolution, the fact remains that this commitment of substantial forces occurred without congressional approval.

[8] The substantial American military presence in Vietnam before the Tonkin Gulf Resolution was known to and supported by Congress.

[9] *See, e.g., Mora* v. *McNamara*, 387 F.2d 862 (D.C. Cir.), *cert. denied* 389 U.S. 934 (1967), *McArthur* v. *Clifford*, 393 U.S. 1002 (1968), *Massachusetts* v. *Laird*, 400 U.S. 886 (1970).

[10] *See* H.R. Rep. No. 547, 93d Cong., 1st Sess. 8 (1973). Section 1547(d)(1) states that the Resolution is not intended to alter the constitutional authority of the President. Fisher, *A Political Context for Legislative Vetos*, 93 Political Science Quarterly 241, 246 (1978), explains that because the two Houses could not agree on the President's responsibilities under Article II, Congress fell back on purely procedural controls.

[11] *See generally* Franck, *After the Fall: The New Procedural Framework for Congressional Control over the War Power*, 71 Am. J. Int'l L. 605, 615 (1977).

[12] *See War Powers: A Test of Compliance Relative to the Danang Sealift, the Evacuation of Phnom Penh, the Evacuation of Saigon, and the Mayaguez Incident, Hearings before the Subcommittee on Int'l Security and Scientific Affairs of the House Comm. on Int'l Relations*, 94th Cong., 1st Sess. 75 (Mayaguez) (1975) (hereafter *War Powers: A Test of Compliance): The War Powers Resolution, Relevant Documents, Correspondence, Reports*, Subcomm. on Int'l Security and Scientific Affairs, House Comm. on Int'l Relations, 94th Cong., 1st Sess. 40 (Danang); 42 (Phnom Penh); 45 (*Mayaguez*) (Comm. Print 1976).

[13] 50 U.S.C. §1544(b). There are exceptions to the 60-day period if Congress extends the period or is unable to meet, or if the President certifies that more time is needed to extract the forces.

[14] 50 U.S.C. §1544(c).

NOTE: This conclusion respecting the applicability of the War Powers Resolution to military personnel detailed to the Central Intelligence Agency was reconsidered and reversed in an opinion dated October 26, 1983, which appears as an appendix to this opinion at p. 197 *infra* Ed.

[15] It is an accepted canon of statutory construction that the rejection of an amendment indicates that the bill is not meant to include the provisions in the failed amendment. *See, e.g., Norwegian Nitrogen Products Co.* v. *United States*, 288 U.S. 294, 306 (1933).

[16] We believe that the definition of "introduction of United States Armed Forces" in §1547(c) supports the proposition that members of the armed forces stationed in a foreign country for purposes of training or advising military forces of the host government are not generally to be viewed as subject to the War Powers Resolution.

[17] In contrast, as passed by the Senate, the bill would have required a report whenever our armed forces are "engaged in hostilities." S. 440, 93d Cong., 1st Sess. §4. 119 Cong. Rec. 25,119 (1973).

[18] This replaced an earlier version which merely required consultation with the leadership and appropriate committees of Congress. H.R. Conf. Rep. No. 547, 93d Cong., 1st Sess. 8 (1973); H.R. Rep. No. 287, 93d Cong., 1st Sess. 6 (1973).

[19] Statement of State Department Legal Adviser Hansell before the Senate Foreign Relations Committee, reprinted in State Department Bulletin, August 29, 1977, at 291-92.

[20] Testimony of State Department Legal Adviser Leigh in *War Powers: A Test of Compliance* at 78.

[21] Statement of Legal Adviser Hansell, *id.*

APPENDIX

WAR POWERS RESOLUTION: DETAILING OF MILITARY PERSONNEL TO THE CIA

OCTOBER 26, 1983.

MEMORANDUM OPINION FOR THE DEPUTY ATTORNEY GENERAL

This responds to your inquiry whether a Central Intelligence Agency (CIA) operation utilizing military equipment and military personnel detailed to the CIA would require compliance with the War Powers Resolution. In responding to this inquiry, this Office has found it necessary to re-examine and revise a broad conclusion expressed by this Office in its February 12, 1980 memorandum, the "Harmon Memorandum,"[1] that "military personnel detailed to and under the control of the CIA * * *"would not be covered by the War Powers Resolution were they to be deployed into hostilities or a situation otherwise triggering that Resolution.

The heart of the argument in the Harmon Memorandum is the essentially negative inference drawn from the Senate's rejection of the so-called "Eagleton amendment,"[2] which is reprinted on page 8 of that memorandum. The Eagleton amendment would have supplemented §8(c) of the War Powers Resolution regarding the definition of the term "introduction of United States Armed Forces." As enacted, §8(c) now provides:

"For purposes of this chapter, the term 'introduction of United States Armed Forces' includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such military forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities."

50 U.S.C. §1547(c). Senator Eagleton urged adding the following sentence:

"Any person employed by, under contract to, or under the direction of any department or agency of the United States Government who is either (a) actively engaged in hostilities in any foreign country; or (b) advising any regular or irregular military forces engaged in hostilities in any foreign country shall be deemed to be a member of the Armed Forces of the United States for the purposes of this Act."

119 Cong. Rec. 25,079 (1973).

We observe at the outset that the Eagleton amendment on its face does not suggest that it deals with a situation in which uniformed personnel would be detailed to the CIA; indeed, what it would have done on its face was to provide that all government employees under the direction of any department or agency either engaged in hostilities in any foreign country or advising any regular or irregular military forces engaged in hostilities would be deemed to be a member of the armed forces for purposes of the War Powers Resolution. In other words, military or paramilitary activities by the CIA would have triggered the War Powers Resolution irrespective of whether the activities were performed by military personnel, civilian employees, or persons under contract to or under the control of the CIA.

The sentences in the Harmon memorandum that follow the quotation of the Eagleton amendment read as follows:

"He [Senator Eagleton] explained that it [his amendment] was intended to cover CIA paramilitary operations involving persons who might be military officers under contract to the CIA. 119 Cong. Rec. 25079-83 (1973). He recognized that without this amendment the Resolution as drafted would not cover the activities of such personnel, and argued that it should, citing CIA activities in Laos as leading to America's Indo-China involvement."

We have carefully reviewed not only the remarks of Senator Eagleton contained in the cited pages of the Congressional Record, but also the full Senate debate on the Eagleton amendment. We have been unable to find a single remark made by Senator Eagleton or any other Senator that reasonably could be read to support the assertion contained in the sentences quoted above from the Harmon Memorandum. In fact, Senator Eagleton and the other Senators who spoke at length for or against the Eagleton amendment manifested an understanding that the debate revolved around the CIA's potential use of *civilian* personnel to conduct combat operations rather than situations in which the conduct of the same operations by military forces might occur. Senator Eagleton and his principal ally in the floor debate, Senator Fulbright, repeatedly expressed the view that failing to include activities which the CIA might conduct with civilian personnel was a major "loophole" which would allow Presidents to evade the War Powers Resolution. The whole point of the Eagleton amendment, which emerges with considerable clarity once the legislative history is examined closely, is that Senator Eagleton intended that *civilian* forces were to be treated the same as military forces for purposes of application of the War Powers Resolution:

"My amendment would circumscribe the President's use of American *civilian* combatants in the same manner uniformed Armed Forces are circumscribed by S. 440 as presently drafted. It would, in other words, prevent a President from engaging *American civilians*, either directly or as advisers, in a hostile situation without the express consent of Congress."

119 Cong. Rec. 25,079 (1973) (emphasis added). Thus, Senator Eagleton spoke at considerable length about his concern that wars or lengthy and costly military engagements could be caused by CIA covert civilian operations. The discussion did not relate to covering, by this amendment, the detailing of military personnel to the CIA.

Furthermore, the record implies, albeit less strongly on this point, that CIA activities which actually used military personnel would be covered by the War Powers Resolution irrespective of the Eagleton amendment.

The closest that Senator Eagleton himself comes to saying something similar to what was attributed to him by the Harmon Memorandum is in a paragraph that reads as follows:

"So military activities will be carried on by *civilian* employees of the Pentagon, because under the War Powers bill nothing prevents the Pentagon from hiring or contracting with civilian employees, *ex-military* people perhaps, but people that are called civilians."

Id. at 25,083 (emphasis added).

Senator Eagleton's statements do not support the argument that the Eagleton amendment was an attempt to expand the War Powers Resolution to embrace CIA activities using military personnel. When examined in their full context, it was concern over *any* American involvement in a military context which the Eagleton amendment was intended to address. He also said: "unless we treat all Americans in military situations alike, whether they are wearing a green uniform, red-white-and-blue or a seersucker suit with arms—what payroll you are on is really secondary; whether you get it from the Pentagon or whether you become a member of the Armed Forces, the end result is the same: Americans are exposed to the risk of war. And as they are exposed to the risk of war, the country, then makes a commitment to war."

Id. at 25,080 (1973).

In this same debate, Senator Javits, speaking in opposition to the Eagleton amendment, stated his understanding of the applicability of the War Powers Resolution to paramilitary activities conducted by the CIA as follows:

"Another important consideration is that there [is] outside the Armed Forces * * * no agency of the United States which has any appreciable armed forces power, not even the CIA. They [the CIA] might have some clandestine agent with rifles and pistols engaging in dirty tricks, but there is no capability of appreciable military action that would amount to war. Even in the Laotian war, the regular U.S. Armed Forces had to be called in to give air support. *The minute combat air support is required you have the Armed Forces, and the [War Powers Resolution] becomes operative.*

Id. at 25,082 (emphasis added).

This debate over the Eagleton amendment stands rather clearly for the proposition that CIA civilian operations (at least most of them) were not embraced by the War Powers Resolution as ultimately passed by the Congress unadorned with the Eagleton amendment. We do not believe the negative inference to be drawn from the defeat of the Eagleton amendment can be stretched further than to confirm that CIA civilian operations are not embraced by the War Powers Resolution.

In summary, we believe the legislative history relied on in the Harmon Memorandum supports the proposition that Congress assumed that the CIA's use of civilian or ex-military personnel would not trigger the War Powers Resolution. We do not believe that that legislative history may be relied upon for the conclusion that the involvement of military personnel, if temporary detailed to

the CIA and under civilian control, would remain outside the War Powers Resolution.

THEODORE B. OLSON,
Assistant Attorney General,
Office of Legal Counsel.

FOOTNOTES

[1]Memorandum for the Attorney General entitled "Presidential Power to Use the Armed Forces Abroad without Statutory Authorization" from John M. Harmon, Assistant Attorney General, Office of Legal Counsel, Feb. 12, 1980. The occasion for this memorandum was planning relative to the holding by Iran of American hostages and a range of potential American responses to that situation including a possible rescue attempt. The memorandum was general, however, and did not focus on a specific factual situation. Particularly, the Harmon Memorandum's comments concerning a CIA operation involving detailed military personnel was a part of a general discussion and was not in response to a precise fact-specific question.

[2]Senator Eagleton introduced several amendments to the War Powers Resolution. Some were adopted. This particular amendment was enumerated as amendment No. 366, and is set out in 119 Cong. Rec. 25.079 (1973).

INQUIRY INTO SOMALIA OPERATION

Mr. WARNER. Madam President, yesterday, October 20, 1993, an article appeared in USA Today entitled, "Did My Son Have To Die?" The subheading says "A grieving father has some pointed questions for the President and the Secretary of Defense."

It is imperative that the Congress be a partner with the President when our troops are committed to situations where there is a high degree of risk.

This father goes on, and I would like to read: "I've spoken to parents and loved ones of other Rangers"—his son was a Ranger—"who were killed or wounded in Mogadishu. I've spoken to several Rangers who served with my son—some of them were wounded. I don't want to suggest that I'm speaking for any of them, but maybe I am. I certainly think it's reasonable to ask for them and for all concerned Americans that a thorough investigation of this debacle be conducted immediately, and the results be made public. Those who are responsible must be held accountable."

Yesterday, I wrote the distinguished chairman, Senator NUNN, and the distinguished ranking member, Mr. THURMOND, of the Armed Services Committee, a letter asking that our committee immediately hold an inquiry, including extensive hearings—underlining the word "extensive."

I ask unanimous consent that my letter of October 20, 1993, to Senate Armed Services Committee Chairman NUNN, and the ranking Republican, Senator THURMOND, appear at this point in the RECORD.

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

U.S. SENATE,
Washington, DC, October 20, 1993.

Hon. SAM NUNN,
Chairman,
Hon. STROM THURMOND,
Ranking Republican Member, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND SENATOR THURMOND: As you both will recall, in 1980, shortly after the failed Iranian hostage rescue mission, Chairman Stennis tasked me and a few other Members of the Committee to look into the facts surrounding that mission. Following our report, the Committee then conducted a series of hearings which provided the Committee the opportunity to fully investigate and create a record of facts for the Senate concerning that mission.

I believe the recent military operations in Somalia, and particularly the operation conducted on October 3, 1993, which resulted in a significant number of American casualties, require that the Committee immediately commence a similar inquiry, to include holding of hearings to create a record for the Senate about the conduct of these operations. As you are aware, there are a number of assertions and rumors being reported in the press about how this operation was planned and conducted, about the roles played by various American and foreign military and civilian officials, and about the chain of command in this operation. I believe the Committee has an obligation to the American people, to the Senate, and to our military personnel to establish a factual record concerning these operations so that untrue rumors can be put to rest and so that we can learn from any mistakes that may have been made.

I am prepared to assist both of you in any way you desire in such an inquiry and to actively participate with you in hearings on this matter.

Sincerely,

JOHN WARNER.

Mr. WARNER. I remember very well in the aftermath of Desert One—when President Carter initiated a military action to rescue our hostages in Iran that failed—Senator Stennis, then chairman of the Armed Services Committee, had an investigation which was very thorough and resulted in a report which enabled America to better understand that military operation and take any needed corrective action. I am confident, since I have confidence in the leadership of the Armed Services Committee and its members, that our committee will do likewise.

It is regrettable that the Congress did not have the consultation that would enable us to answer this letter today. But I am certain that in the future this consultation, as a consequence of these amendments, will be approved such that the Congress can be a part of and can accept this measure of responsibility regarding the men and women in the Armed Forces and their deployments beyond our shores when risk to them is involved.

I yield the floor.

Mr. MITCHELL. Madam President, I ask unanimous consent that there be an additional 20 minutes for debate on the pending amendments, 5 additional minutes under the control of Senator HELMS and 15 minutes under my control.

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

Mr. HELMS. Madam President, I yield myself such time as I may require. I request that the Chair notify me when I have consumed 10 minutes.

I ask the Chair, how much time do I have remaining, including the 5 minutes just granted?

The PRESIDING OFFICER. The Senator has 27 minutes.

Mr. HELMS. I thank the Chair.

Madam President, what we are witnessing in advance of the vote, is a series of cop-outs. When I hear a Senator say, "Well, I agree with you on Aristide, but Aristide is not the issue." The heck he is not. Of course, he is the issue.

But the real issue is: Will Senators vote to permit the President of the United States to send American soldiers and sailors into harm's way in Haiti? What are the Senators going to say when the body bags start coming back from Haiti? What are they going to say was the interest of the United States in sending our soldiers and sailors to fight and die there?

I say to Senators that they had better ask the American people, because when you get home, I say to Senators, you are going to be questioned about your vote on this amendment. Senators may be asked a hundred questions. As a matter of fact, there was a poll announced this morning—I knew nothing about it until early today—and the poll question, without identifying the Helms amendment, was: Do you favor the provision of it or not? The CBS News poll showed that 77 percent support using United States troops to evacuate Americans from Haiti. So does the Helms amendment. Fourteen percent support using U.S. troops to restore Aristide to power. I am surprised it is even 14 percent. I have not heard from any of the 14 percent.

But let me say this—and I compliment the distinguished majority leader and minority leader, Senator MITCHELL and Senator DOLE, who did a most commendable thing yesterday afternoon. It was suggested to them—and they agreed immediately to do it—that they arrange for the CIA to send up to the Senate a knowledgeable and candid representative to discuss the situation in Haiti. The meeting was held on the fourth floor of the Capitol, in the secure room. The CIA representative answered all of the questions for Senators who wanted to learn the truth about Haiti's President Aristide, and the general situation in Haiti, as it relates to whether the U.S. should send our soldiers and sailors and put them in harm's way.

Thirteen Senators showed up. Not one Senator who stood up here and glowingly talked about "restoring democracy in Haiti"—I get a kick out of my distinguished friend from Connecticut, Mr. DODD. He so often gets all wound up talking about "democracy." Well, the CIA told those 13 Senators who were there on the fourth floor of the Capitol yesterday afternoon what kind of democracy Haiti is facing.

Interestingly enough, not one of the Senators who engaged in the oratorical

attacks on my Haiti amendment yesterday afternoon and/or this morning bothered to attend the CIA briefing yesterday. Senator PELL went in his capacity as chairman of the Foreign Relations Committee, but none of the Senators who got up and waved their arms about restoring democracy in Haiti attended the CIA briefing.

These 13 Senators met on the fourth floor, while downstairs in S-116, other Senators gathered around Aristide in what has been described to me as a "love-in."

On this Senate floor yesterday, I spoke at some length about my total and unalterable opposition to risking the life of even one American sailor or soldier in that mess in Haiti. I do not want to hear all of this esoteric rhetoric about, "Well, I do not want to intrude upon the President's power."

Madam President, sometimes I feel that we have about 15 or 20 "Supreme Court Justices" among the Members of the Senate; they just do not wear black robes. I have been pleading for years that Congress ask the Supreme Court to decide what the Constitution means about separation of powers. I go back far enough, to 1973, when the Senate made the mistake of approving the War Powers Act. I voted against that unwise legislative adventure, and I have been hoping and praying and working that some administration that would have the guts to ask the Supreme Court to rule on the constitutionality of the War Powers Act.

Madam President, I do not think that it is constitutional, but I am not a Supreme Court Justice, and I am not going to pretend to be one. Anyway, we hear so much sophistry enunciated in this Chamber on that general subject.

But back to that CIA briefing yesterday afternoon on the fourth floor of the Capitol. By the way, that room was built and designed for the old Atomic Energy Commission to hold its secret meetings. It is said to be absolutely secure—at least we believe that nobody can bug it; nobody outside the room can know what was said.

Madam President, the information that I discussed yesterday afternoon on this floor is common knowledge in Haiti.

In any event, the CIA yesterday confirmed every jot and tittle of what I said on this floor yesterday afternoon about Aristide. The CIA confirmed the perilous situation involving Aristide and the necklacing that Mr. Aristide has practiced, but which he denied yesterday afternoon. I do not know how careless he is with the truth on other matters, but when I read the news report on what he said in S-116 yesterday, I was reminded of what Churchill said about a fellow who could not tell the truth. Churchill remarked to the effect that, "Once in a while the fellow stumbles over the truth, but he quickly straightens himself up and goes along as if nothing had happened."

The CIA briefing yesterday, I reiterate, confirmed everything that I had said in my remarks to the Senate earlier. If Senators want to take a look at it in the CONGRESSIONAL RECORD this morning, fine. But the news media have been saying all morning on the radio and television that the Helms amendment is not going to pass, and they probably will get their wish.

Aristide is a killer. He is a demonstrable killer. And I do not want one life of one soldier or sailor from the United States of America to die in the interest of that man.

"He is a psychopath." The news media say, "Good God; did Helms say that?" You bet Helms said it, and so did the CIA. By the way, for the Record here are Senators who did go yesterday: Senator MCCAIN, Senator COHEN, Senator BENNETT, Senator HELMS, Senator KERRY of Massachusetts, Senator EXON, Senator NICKLES, Senator BURNS, Senator PELL, Senator DOLE, Senator DOMENICI, Senator PRESSLER, and I cannot read my writing on the last one. Oh, it begins with an "M," so it was Senator MURKOWSKI.

(Disturbance in the visitors galleries)

The PRESIDING OFFICER. There will be no demonstrations from the galleries.

Mr. HELMS. It also has been determined, and the State Department admits it, that President Clinton knew about Aristide's background, about his mental illness, about his use of the necklace in horribly executing his political enemies. The State Department acknowledges that the Secretary of State has known about it.

Let us talk about necklacing, exactly what it is. It began in South Africa with the Mandela people. I remember the news accounts of one of Mrs. Mandela's speeches. She is a great advocate of putting bicycle tires around her political adversaries' necks with their hands bound behind them, filling the tires with gasoline and striking a match. And I remember Mrs. Mandela saying, "We've got the matches."

So has the President of Haiti. This cruel man has made fiery speeches exhorting his followers to use the necklace method, as it is called, to destroy his political enemies in agony.

This is not hearsay; it is a demonstrable fact. The President of the United States has known it, and the Secretary of State of the United States has known it. But not until yesterday, when the Senator from North Carolina began talking about this and we got the CIA up on the fourth floor of the Capitol, was it confirmed.

Madam President, I am going to reserve the remainder of my time, pending whatever comment may be made by opponents of this amendment.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 15 minutes remaining.

Mr. HELMS. Fifteen minutes. Very well.

The PRESIDING OFFICER. Who yields time?

The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Madam President.

Since I only really have a few minutes, I would like ask unanimous consent to have printed in the RECORD at the end of my statement the opening section of a report issued in March by America's Watch entitled "Silencing a People: The Destruction of Civil Society in Haiti."

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

(See exhibit 1.)

Mr. WELLSTONE. America's Watch is one of the most highly respected human rights organization in the country, and I know its finding will be of interest to my colleagues. I would also like to include a short report by America's Watch on President Aristide's human rights record during his tenure, to help address some of the outlandish claims that have been made on the floor on this subject.

Madam President, not in regard to comments of any particular individual, but in relation to all of the rumors and shopworn gossip about President Aristide—much of which we have heard before—it reminds me of Mark Twain, who said: "A lie travels around the world before the truth gets its pants on."

I do not have the time to respond point by point to some of what has been said about President Aristide, but I would like to point out today that if we were to look at the history of Haiti, we would see a very different picture than has emerged thus far in the debate.

Senator DODD certainly has a great deal of substantive knowledge about Haiti. He knows that over the last 7 or 8 years there, since the fall of the Duvalier family there was one brutal military regime after another. We have heard today a long litany of human rights abuses and incidents of political intimidation, for which they were responsible, which has resulted in hundreds of deaths.

If we were to compare President Aristide's brief tenure and his human rights record, much less the stopping of the drug trafficking, which so dramatically affects our country, much less the number of refugees coming to our country, fleeing persecution before the inauguration of President Aristide, as opposed to what happened during his tenure, we would understand what is really at issue here.

For a moment let us put in parentheses some of what we have heard about President Aristide, rumors and innuendo that have been around for a good many years, and let us focus on the issue.

The issue is one of whether or not our country stands for restoration of democracy. The issue is what we are willing to do to support the democratically elected Government of Haiti.

The President has taken, I think, decisive action. I think this blockade by our ships there, if you view that with a sense of history, is a very strong action.

I support the leadership amendment because I think it balances the constitutional obligations of Congress with the President's need for flexibility in working with Congress on Haiti policy. The pressure is on. Maybe there are other options yet to come before this situation is resolved.

I think this amendment sends a powerful message. It sends a message to the people of Haiti, who have been so courageous, but who now live in terror, with the threat of violence against innocent people always present with this group of brutal military rulers. It says that our country supports democracy, we support the brave people of Haiti, and we support democratically elected governments.

It is really not up for us to decide for the people of Haiti who they elect to office. They decided 3 years ago to elect Aristide. But as a great Nation and as a great people, as a country of immigrants, we understand persecution; we understand violence; we understand murder; and we understand how important it is for our Nation to send a signal to the people of Haiti: We support you in your struggle for democracy.

Let me briefly review where we have been with respect to United States policy in Haiti, to see if it holds clues for where we ought to go from here.

Mr. President, as we debate this amendment, this body is in dire need of some reminders about the troubled recent history of Haiti.

About 7 years ago, Americans watched as Baby Doc Duvalier was spirited out of Haiti in a black limousine, his departure hastened by the erosion of his power base and popular discontent with the cool brutality of his regime, and facilitated by United States and European diplomats.

There followed a stream of dictatorial, brutal military rulers and police officials with close ties to the Duvalier regime with names like Gen. Henri Namphy, Colonel Regala, Frank Romain, Prosper Avril, and a host of others.

Their human rights records were appalling, driven by a willingness to crush nascent democratic forces in Haiti, and retain their own feudal power over drug running and transshipment, protection rackets, and other forms of corruption for which they have become infamous.

That is why when I hear on this floor comparisons on human rights between this period of relentless brutality in Haiti compared to the brief tenure of President Aristide, it takes my breath away.

Anyone who has followed Haiti at all over the years, even with just one eye, knows that there is no comparison between the human rights record of these successive military regimes and that of President Aristide.

I challenge my colleagues to examine the voluminous evidence from United States, European, and indigenous Haitian human rights organizations, and from our own State Department, during this period. It is overwhelmingly clear: The record of these successive military governments on human rights was disgraceful. Disgraceful.

Haiti's human rights record during the tenure of President Aristide's government on human rights was not perfect, that is true. But it was light years better than any that Haiti had known for decades.

There was a period of violence, most of it mob driven, which released the pent up frustrations and fury of Haiti's poor, and involved horrendously brutal abuses involving necklacing and worse.

But let us not lose all sense of proportion. During Aristide's government, Americas Watch and other respected human rights monitors confirmed approximately 20 deaths attributable to mob violence—none attributable to Aristide's government. Not a single one.

That number, compared to the between 1,500 and 2,000 innocent Haitians killed by the army, police, and their auxiliaries. 20 under Aristide, 1,500 to 2,000 since the military coup.

Brutality is not new to Haiti. Since before the notoriously brutal mob killed the then leader of Haiti in 1915 by literally tearing him limb from limb through the spaces in a metal fence designed to protect him—an incident that in part sparked the United States Marines' arrival on Haitian shores that year—it has been a way of life for many there, especially Haiti's poor.

Of course, no one condones this violence. I condemn it in the strongest possible terms. But I think I understand at least partly what drives it: the pent-up fury that is a response to the relentless, grinding poverty and despair that is at the center of most Haitians' lives, and that has been for generations.

But let us not lose sight of one central fact by blurring the lines of responsibility for violence. Under military rule, agents of these de facto governments, especially the military and police and their allies in the countryside, engaged in a campaign of terror and abuse. They were responsible for the abuses, and because they control Haiti's judicial system, for the climate of impunity that prevailed.

But the violence that's been ascribed to Aristide has been that of mobs in the street, not agents of the government. That is an important distinction which we must keep in mind during this debate.

Now, could Aristide have condemned more forcefully the violence of the time? Tried more vigorously to rein in his supporters by public pronouncements, condemnations of the violence?

Perhaps, but only a careful review of the complete record of his administration's statements at the time would allow that to be determined. That certainly has not been done by those engaged in this debate today.

And even if one were to conclude after such a study that President Aristide's statements, taken out of context and strained through translations from Creole, did not condemn the violence strongly enough, or worse, indirectly encouraged it, that is a very different charge than the one directed at his military predecessors, that has not been disputed ever on this floor. That charge is they engaged and continue to engage in a conspiracy of murder, intimidation, drug running and worse to sustain themselves in power.

To compare the planned, systematic pattern of widespread and brutal human rights abuses, and the culture of complete impunity for political crimes that was fostered by these military governments, to Aristide's policy, is to ignore the facts.

It is to betray the truth. And it betrays the Haitian people who have suffered so long and fought and died to plant the seeds of a new democracy there.

Aristide abolished the system of rural section chiefs that had provided the infrastructure of brutality for Haiti's Duvalierist government, replacing it with elected mayoral councils.

And for those concerned about refugees, and its relation to political violence, let us be clear: The flow of refugees slowed to a trickle under his administration.

After the coup, it again exploded, pressed on by the increase in political violence and intimidation.

The tired, 2-year-old, shopworn gossip that has been dredged up again by a few Senators over the last few days—about President Aristide's personal character and emotional stability, the pictures he hangs in his office, the allegation that he had ordered a political enemy killed through a mysterious late evening phone call on the eve of the coup—while our own Ambassador Adams was pleading for his safety at the time and his life under threat—is just that: political gossip.

Gossip generated in a cauldron of political gossip that is the stock in trade of Haiti's elite.

The person killed was being detained in an army facility, and we are to believe that an army officer took orders from Aristide on the night before the coup to kill Lafontant, a noted Duvalierist? I think my colleagues would agree that this is highly unlikely.

The story was covered widely in Haitian newspapers, and those in Florida, and the details could have been read by anyone at the time.

This kind of gossip is unworthy of this Senate, a steaming brew of mediocre police work, media speculation and conjecture based on thin evidence that does not hold up under scrutiny.

These rumors are not new to those who have followed Haiti. And if there is anything I have learned about Haiti, it is that things are not always as they appear.

And that you need to check out carefully allegations that are made in the context of a very volatile, and deeply polarized, political context like Haiti where the gap between the rich and the poor, the powerful and the powerless, is so wide—and the stakes so high.

Let's understand what's happened here in the Senate in the last couple of days, my colleagues.

A liberationist priest known for his fiery, populist—perhaps sometimes even demagogic—rhetoric, has been made the victim of a whispering campaign focusing on 2-year-old unproven charges which have re-emerged now when the chips are down, and the time approaches for his return.

Allegations made in psychological profiles prepared by elements within the U.S. intelligence community of President Aristide, discredited by high administration officials, are repeated on this floor and to international news reporters as if fact.

President Aristide is a quiet, soft-spoken man. Senator HARKIN yesterday on this floor described carefully his background, read from some of his writings as a parish priest in the desperately poor sections of Cite Soleil and elsewhere, and spoke of his personal interactions with him.

This is a man who lives in a modest Georgetown apartment, a man whose idea of a good time is to play soccer on Sunday mornings with neighborhood children.

To suggest, as some have on this floor, that he is a murderous psychopath, or worse, is character assassination, pure and simple.

As a priest, he served in some of Haiti's poorest parishes. His ministry included work with hundreds of Haitian orphans. His churches have been raided by thugs and torched; he has been beaten and harassed by Haitian police and military thugs repeatedly.

Driven by public relations experts and other hired guns reportedly paid for by the ruling families of Haiti and their military allies, this gossip has been given legs in the Senate.

But through these distortions and half-truths, one fact shines clear, and it has been the basis for United States policy toward Haiti for several years.

Almost 3 years ago, on a day of great jubilation for most Haitians, the citizens of that tiny island nation voted overwhelmingly, by almost 70 percent, for a new President: Jean Bertrande Aristide.

Hundreds of election observers from the OAS, the United Nations, United States and European private voluntary organizations, and others, spread out throughout the island, from Jeremy to Cap Haitien, from Port-au-Prince to Les Cayes.

They watched as Haitians took to the streets by the hundreds of thousands to cast their votes for Aristide.

They watched as desperately poor Haitian peasants, some of whom had walked for miles to get to polling places, stood for hours in blazing heat to cast their ballots for their candidate.

They took this risk for a more just and democratic future, even though the memory was fresh in their minds of prior election efforts that ended in murderous rampages by Haitian military thugs, working with the Duvalierist secret police known in Haiti as the Ton Ton Macoutes—the boogeymen who skulk around Port-au-Prince in their trademark black eyeglasses and whose reputation for ruthlessness is legendary.

Some of my colleagues may recall the gripping accounts and TV footage of those sickening episodes, with pictures of the carnage wrought by these thugs, of innocent Haitians who had been gunned down in cold blood as they stood in line to vote.

Gunned down or hacked to death by machetes while waiting in line to vote, their blood smeared on the walls and their mangled corpses desecrated by their attackers in rooms that smelled like butcher shops from the drying blood.

When I consider the struggles that people are willing to endure to cast their ballots in other countries, it gives me serious pause. How can such sacrifice not be affecting to those of us whose democracy serves as a model to budding democracies in the world?

It is awesome testimony to the power of the democratic ideal, to the notion that every citizen, no matter how poor or obscure, can register his view about how his nation should be governed and by whom. And that his vote will count just as much as the wealthy and well-connected of the posh Port-au-Prince suburb of Petionville.

I fear we have lost much of that commitment, that zeal for democratic self-government, here in the United States, where only about 60 percent of us show up to vote on election day.

Haiti, and other countries in our own hemisphere, can teach us more than we might think about the raw, compelling power, and the tenacity, if not the technology and institutions, of democracy.

For at least that one moment in an election, the egalitarian ideal—that each person counts as one and no more than one—holds sway.

And it held sway in this case. It swept to power a Catholic priest who made no secret of his desire to transform the current power structure in Haiti, to begin to rectify the grossly skewed distribution of wealth and power that have characterized that society for so long.

But his rise to power was not unobstructed. As he prepared to take office, potential disaster loomed, and a month before his inauguration an attempted coup was followed by violent demonstrations by his supporters and others in the streets of Port-au-Prince.

Faced with this volatile and uncertain situation, many representatives of the international institutions that had made the elections possible, sensitive to fiercely nationalist forces within Haitian society, and reluctant to respond by building up the international presence there, decided to scale back their efforts.

Many withdrew. Just over 30 weeks later, following a bloody coup in which many innocent Haitians were killed, President Aristide was forced to flee.

The basic problem in Haiti is, as it has always been there and is so often true elsewhere in Latin America and the Caribbean, that a tiny portion of the population—the upper 3 percent francophone elite—cling to power even against strong odds.

This tiny elite, composed of the grand families of Haiti, together with their allies in the Haitian military, have ruled Haiti for almost 200 years.

They controlled the levers of power in that tiny, isolated society, and they still do.

They nourished a hatred for Aristide, a Salesian priest who had become one of Haiti's most famous proponents of a theological tradition that has its roots in the works of people like Paolo Friere, Ernesto Cardenal, Gustavo Gutierrez, and many others.

Aristide has for years preached and written about the implications of his faith in the particular concrete situation in Haiti, where wealth and power rule and a system of brutal political and social control dominates.

The leadership amendment, Mr. President, provides the President with the needed flexibility he may need to address potential contingencies in Haiti.

It focuses on the Governors Island accord, which the military has now breached, and on the necessity of their abiding by the terms of that accord.

By doing so, it sends a strong signal of support for President Aristide's embattled government, and that of Prime Minister Malval.

It rejects the efforts by Haitian military officials to seek a compromise solution which would allow antidemocratic Duvalierist forces to remain in key posts in the Interior, Defense, and other key security ministries.

It urges continued United States engagement in Haiti, to press for a just solution to the crisis there in accordance with the Governer's Island agreement.

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The violence in Haiti since July has been breathtaking, even by Haitian standards. Hundreds have been killed or injured in the campaign of street violence—mysterious fires, disappearances, kidnapings, assassinations in broad daylight of Aristide supporters in full view of police onlookers, and one Cabinet minister—that are the traditional techniques of terror for Haiti's military.

This campaign of violence and intimidation is designed to send a signal from the military and their allies to all Haitians: that no matter what the people say about the return of President Aristide to power, those who have always held power in Haiti still hold it.

We must respond as forcefully as we can to this violence by using all the levers of economic and political pressure at our disposal to force the military there to comply with the accords.

The administration has adopted the right tack. The sanctions, the embargo and its strong enforcement, are all important steps designed to bring about this result. I hope it works. I fear the Haitian military will hang on regardless, unless clear signals are sent from the United States and elsewhere that their continued intransigence will not be tolerated by the international community.

We must help Haiti to create the means, mediating institutions, and traditions of democracy in Haiti. That can only be done if those now in power observe the accords and step aside.

I urge my colleagues to support the leadership amendment, and to oppose the ill-conceived Helms amendment, later this morning.

EXHIBIT 1

SILENCING A PEOPLE: THE DESTRUCTION OF CIVIL SOCIETY IN HAITI

(Americas Watch, A Division of Human Rights Watch, National Coalition for Haitian Refugees)

ACKNOWLEDGMENTS

Much of this report is based on a two-month investigation in Haiti in June and July 1992. During this time, representatives of Americas Watch and the National Coalition for Haitian Refugees traveled extensively throughout the country, visiting eight of the country's nine departments including the island of La Gonave, and compiling what we believe is the most comprehensive picture yet produced of the disastrous state of civil society since the coup. Because much reporting on Haiti has stressed conditions in Port-au-Prince, we focused in particular on conditions in the provinces, where repression has also been severe and systematic.

Most of our information was gathered in some 250 interviews that we conducted ourselves. This report provides the names of these witnesses whenever possible, but a majority asked us not to identify them for fear of retaliation by military authorities. In places in this report we have also relied on excellent reports by the Justice and Peace Commission of the Diocese of Gonaïves and the Port-au-Prince-based Platform of Haitian Human Rights Organizations.

Because we generally insisted on eyewitness accounts, this survey does not provide an exhausive accounting of attacks on Haitian civil society. Still, we believe that the many abuses detailed in this report provide a representative cross-section of the violent repression facing independent associations throughout the country.

Research for this report was conducted by Andrew Levin, a consultant to Americas Watch, and Anne Fuller, associate director of the National Coalition for Haitian Refugees (NCHR), with assistance from Pierre Espérance, an NCHR associate. The report was written by Kelly McCowan, a consultant to Americas Watch; Mary Jane Camejo, research associate for Americas Watch; Fuller and Levin. Helen Katel assisted in translation. The report was edited by Kenneth Roth, deputy director of Human Rights Watch, the parent organization of Americas Watch.

INTRODUCTION

The military forces that overthrew Haiti's first freely elected president, Jean-Bertrand Aristide, have consolidated their rule by ruthlessly suppressing Haiti's once diverse and vibrant civil society—the range of civic, popular and professional organizations that had blossomed since the downfall of the Duvalier dictatorship seven years ago. In a country where only nine months before the September 30, 1991 coup 67 percent of the voters cast their lot with Father Aristide, the army has presumed that the majority of the population is hostile to military rule. Seeking to avoid the kind of popular unrest that brought down past military regimes, the army has attempted to deny the Haitian population an organized platform for its discontent by systematically repressing virtually all forms of independent association. The aim is to return Haiti to the atomized and fearful society of the Duvalier-era so that even if international pressure secures the return of President Aristide, he would have difficulty transforming his personal popularity into the organized support needed to exert civilian authority over a violent and recalcitrant army.

Those behind this systematic repression of civil society range from the army commander-in-chief, General Raoul Cédras, who has overseen countless acts of brutality without making any effort to hold murderers and torturers accountable, to the rural section chiefs, who wreak havoc in remote hamlets across the country. The cost has been the vigorous civil society that Haiti needs not only as the foundation for any meaningful democracy but also to begin to confront the country's desperate economic and social problems.

The range of organizations targeted by the army's campaign of repression is exceedingly broad. Since hostility to military dictatorship is widespread among Haitians, the army views virtually any popular association as a potential conduit for organized opposition. As a result, all gatherings not controlled by pro-military forces are suspect. Any sign of public protest or dissent is swiftly and violently repressed. The tools of this repression have been intimidation, arrests, beatings and murder.

"The biggest change," a priest in the rural Northeast told us, "has been in the social organization of society. Things like *konbits* [collective work groups] and grain storage cooperatives—all of which gave people hope—are destroyed now. Everyone is back to working and trying to subsist on his own, and the powerful do what they want to the weak. The solidarity is gone; it's each person for himself." Haitians are encouraged to work hard, send their children to school, accept the new military-backed authorities as "constitutional," and blame their poverty on the OAS-approved trade embargo.

As international efforts to negotiate an end to the crisis in Haiti pick up steam with a new administration in Washington, the restoration of a free and vigorous civil society must be a central goal. It is not enough for the de facto authorities in Port-au-Prince to give formal recognition to Father Aristide as the legitimate President of Haiti. Rather, to reinstate any semblance of democracy, guarantees must also be put in place to ensure that freedom of speech and association will flourish once more.

Several concrete steps can be taken to lay the foundation for a reinvigorated civil society. The army should formally and publicly withdraw the de facto ban on public dissent and independent assembly and association. Haitians from all walks of life must feel free, without fear of arrest or intimidation, to meet with popular organizations, to assemble and demonstrate their grievances publicly, to listen to religious sermons of their choice, and to read newspapers or listen to radio stations that report critically on government actions.

The army must also subject itself to civilian authority and withdraw to the apolitical role that the popularly approved Constitution of 1987 envisions. Those who have been responsible for murder, torture and other gross abuses should, at minimum, be dismissed from the army, and their crimes should be formally acknowledged.

In this respect, we subscribe to the principle of accountability that President Aristide has been seeking to uphold despite pressure from the Bush administration to forget the past. Whether through prosecution or lesser disciplinary sanctions, Haiti desperately needs to purge its army of the soldiers who are responsible for this violent repression, perhaps along the lines used with partial success as part of the peace process in El Salvador. We hope that the Clinton administration, which has yet to take a stand on this issue, recognizes the importance of such accountability to the future of democracy in Haiti.

On the other hand, we disagree with President Aristide's exclusive focus on General Cédras and a small coterie of senior officers, and his apparent willingness to ignore abuses committed by junior members of the army. While it is most important to establish the principle of accountability with respect to senior military officials, this report identifies by name many local military officials, including section chiefs, who have been responsible for repeated acts of violent abuse, and these crimes should not be forgotten.

The blossoming of civil society in post-Duvalier Haiti

Until the September 1991 coup, Haiti boasted an abundance of peasant associations, grass-roots development projects trade unions, student organizations, church groups and independent radio stations. Civil society began its rapid growth with the fall of the Duvalier dictatorship in 1986 and reached its zenith under the Aristide government. Jean-Claude Duvalier's flight to France, just a step ahead of country-wide popular protests, created a profound opening for independent associations which Haitians vigorously seized. In part this took the form of an assortment of political parties, which had been banned throughout most of the 29-year Duvalier dicatorship. But many of these political parties were no more than vehicles for the advancement of a single politician and, like the national government, made little effort to address the needs of the majority of

Haitians who live outside of Port-au-Prince and other urban areas.

In the countryside, this vacuum was filled by a variety of groups that responded more directly to local needs. Known broadly as "popular organizations," the members of these groups mostly from the country's vast poor majority. They formed farming cooperatives, literacy programs and rural development projects, often with support from abroad. Churches—Catholic and sometimes Protestant—nurtured this movement, and lay participation in church activities exploded. Some associations evolved in political directions to address issues of land distribution, corruption and human rights abuse.

In urban areas as well, the realm of organized activity broadened rapidly. Politically active trade unions, professional, student and women's organizations, and thousands of block associations and community groups were born. A vibrant press emerged, primarily in the form of the much-listened-to radio, providing information about other organizational activities and a forum to denounce periodic attacks on this independent movement.

While many international observes of Haiti bemoan its lack of economic development, its civil society was remarkably advanced. In contrast to many other countries emerging from dictatorial rule, where pluralism among political parties was not matched by social and ideological diversity, political parties in Haiti were among the least developed parts of civil society. Rather, the strength of Haitian civil society lay in its breadth and diversity outside the narrow realm of electoral politics. This development allowed Haitians a considerable voice in local affairs, even as their ability to influence national politics was limited by an unrepentant army intent on preserving the spoils of power.

The diversity and depth of civil society, as opposed to any particular political party, provided the base of support for Jean-Bertrand Aristide's electoral campaign and overwhelming victory in Haiti's first free elections, held on December 16, 1990. Although not all popular groups endorsed Aristide, many if not most backed the charismatic priest, providing his last-minute candidacy with the organizational muscle needed to pull off his electoral landslide. Most independent organizations flourished in the relatively free environment of Aristide's nearly eight-month presidency. Many added members and redoubled their efforts.

It was one of the profound tragedies of the violent military coup of September 1991 that this surge of organized popular activity came to a bloody halt. Indeed, far from a peripheral casualty of the coup, these organizations were as much the target of the army's repression as was the elected Aristide government. Violence unprecedented in Haiti was directed against popular organizations, the independent media, the *Ti Legliz* or popular church, and anyone else who brought together previously powerless people.

The army's campaign, which continues to this day, has been systematic and ruthless. On the first day of the coup, ten radio stations were destroyed or shut down. By the end of 1992, only two of those stations had resumed broadcasting. Five journalists have been killed or disappeared. Section chiefs outside the capital intimidate, arrest and beat reporters. Few correspondents still work in the countryside and those who dare to continue limit themselves to pro-government or noncontroversial reporting.

Other targets of this violence include pro-Aristide elected officials, rural development and peasant organizations, neighborhood and community associations, trade unions, and literacy, pro-democracy, students' and women's groups. Soldiers and section chiefs have hunted down, arrested, beaten and killed leaders and members of these groups.

All signs of public dissatisfaction with military rule are swiftly repressed, including the mere possession of opposition newspapers or leaflets. Demonstrations by students in support of President Aristide as well as meetings inside the university have been suppressed by the Haitian army, using tear gas, arrests, beatings and gunfire.

The Catholic Church has come under particularly fierce attack. While the conservative Catholic hierarchy showed barely concealed distaste for the priest-turned-president, many priests, nuns and lay workers—including large numbers of those active in the Ti Legliz movement or involved in peasant organizing, community development or monitoring human rights—are strong supporters of President Aristide and thus have been targeted for retribution, including harassment, threats and arrests. Some Protestant groups that had become strongly identified with social activism and development also face retaliation.

While de facto prime minister Marc Bazin has attempted to place a benign face on this repression, he has done nothing visible to stop it. As demonstrated by the repeated instances of post-Bazin repression documented in this report, the change in occupants of the National Palace on June 19, 1992 did nothing to alter the persistent crackdown on civil society.

Meetings banned

Central to this concerted attack on civil society has been a ban on holding meetings. Particularly in rural areas, the army has used intimidation, threats, arrests and beatings to dissuade people from gathering. In our travels throughout the Haitian countryside, we were told of orders, issued by local army officers within weeks of the coup, barring all meetings. People learned of this prohibition over the radio and often were personally informed by local military commanders.

At times the prohibition has been couched artfully, as in the November 26, 1991 press release issued by the Port-au-Prince police, a division of the army, which required the organizers of any assembly to identify themselves to the police 48 hours in advance of the proposed gathering—formal notice that under the violent circumstances of post-coup Haiti few would dare to provide. More often, local military officials articulated the ban in absolute terms. Typical was section chief Joel Jean-Baptiste of Mahotière, who told members of the Tèt Kole peasant movement shortly after the coup: "The question of having meetings is over with. You cannot meet."

Meetings deemed subject to such bans include not only formal gatherings but also activities of peasant cooperatives, prayer meetings and even chance encounters. Enforcement of the ban is often left to Haiti's notoriously abusive section chiefs—a post that was abolished by the Aristide government but reinstated shortly after the coup. Warrantless arrest and short-term detention, almost invariably accompanied by beatings, are used to intimidate and deter would-be activists.

The targeting of civil society continues against a backdrop of an army allowed to pillage with impunity. Soldiers and section chiefs prey on their victims, demanding payment to avoid detention or torture. Haitians in hiding for fear of army oppression are told that they must pay a fee to return to their homes. Soldiers at military checkpoints have been known to shake down virtually anyone who dares to travel the roads. All of this occurs with absolute impunity.

U.S. policy

While Washington's capacity to curb attacks on civil society is tremendous, this power was largely unexercised by the Bush administration. Preoccupied with stemming the flow of Haitian boat people, Bush officials sought to convey an image of normalcy rather than suggest through their condemnation of ongoing abuses that political persecution might be motivating large numbers of Haitians to flee. President Clinton, while continuing to repatriate all Haitian boat people summarily, has vowed to address the political crisis at its core. Yet it remains to be seen whether this approach will be limited to achieving nominal recognition of President Aristide's legitimacy or whether it will also address the ongoing repression of Haitian civil society. One important step has been the Haitian army's hesitant acceptance in principle of an international observer mission, following diplomatic initiatives taken by Clinton aides working together with the United Nations. But other forceful steps remain to be taken to protect the freedom of expression and association for all Haitians needed to build a meaningful democracy in Haiti.

First, serious abuses should be immediately and publicly denounced, without regard to the public-relations effect on U.S. efforts to limit the flow of boat people.

Second, efforts should be made to ensure that the U.N.-OAS observer mission is sufficiently numerous to permit its members to spread out throughout the Haitian countryside. The observers should have the right to travel unimpeded and unaccompanied to any facility or location in the country. Like the successful observer mission for the December 1990 elections, the observers should also include uniformed (but unarmed) soldiers to facilitate communication with Haitian troops. To fulfill their deterrent function, these observers should not allow their public denunciations of systematic abuses to be tempered by fear of antagonizing the parties to ongoing political negotiations.

Third, to establish the rule of law, U.S. support should be lent to efforts to purge the Haitian army of its most abusive elements. While the Bush administration was eager to let bygones be bygones wherever the issue of accountability for past gross abuses arose in this hemisphere, the Clinton administration should recognize that democracy cannot be built on a foundation of impunity for murder and torture. Haiti is an ideal first site to put that principle into practice.

Finally, in beginning to rebuild Haiti, the Clinton administration should resist the temptation to view the Haitian army as the sole vehicle to stability and development. The lesson of the painful 16 months since the coup is that peace and prosperity can be secured in Haiti only if the violent order of the army is replaced by the firmer foundation of a free and vibrant civil society.

HAITI: THE ARISTIDE GOVERNMENT'S HUMAN RIGHTS RECORD

(A report by Americas Watch, the National Coalition for Haitian Refugees and Caribbean Rights, November 1, 1991)

INTRODUCTION

The September 30 military coup d'etat in Haiti has thrust to center stage the human

rights record of the ousted government of President Jean-Bertrand Aristide. The coup was less than a day old when its perpetrators began to justify the overthrow of the country's elected president by alleging human rights abuses under his rule.

The irony of this criticism, coming from troops who had just toppled a popularly elected government and murdered at least three hundred civilians, has been widely noted. Nonetheless, the charges are sufficiently troublesome to warrant a serious response—all the more so because the military has since chosen Jean-Jacques Honorat, a leading human rights figure, as the prime minister of their provisional government. Until then perhaps Haiti's preeminent human rights monitor, Honorat has sought to justify the coup by comparing President Aristide's human rights record to that of Uganda's Idi Amin and Cambodia's Pol Pot.[1]

The issue of human rights under President Aristide took on critical importance for Haiti's future when charges of abuse appeared to be taken up by the U.S. State Department. According to The New York Times, U.S. officials began "mov[ing] away from the unequivocal support they have voiced for the ousted Haitian President . . . citing concerns over his human rights record." Was it possible that Washington would withhold its support for the deposed president because of these charges? "American officials," the Times continued, "are beginning to quietly disclose a thick notebook detailing accounts of human rights abuses that took place during Father Aristide's rule" which "jeopardized his moral authority and popularity."[2]

At the time of the coup, we were completing an assessment of the Aristide government's human rights record as part of our long-standing monitoring of human rights in Haiti. Our evaluation is based on fact-finding missions to Haiti in February, March April, June and September 1991, as well as extensive telephone contacts with sources in Haiti throughout the year. We issue this report now both to provide a concrete factual record for the debate over the Aristide human rights record as well as to contribute to improvements in the human rights practices of an Aristide government that might return to power in the future.

In providing what we hope is an honest and objective assessment—setting forth both the setbacks and the advances for human rights under President Aristide—we have no intention to lend our voice to those responsible for his ouster or to those working to prevent his return to power. In our view, President Aristide is the sole legitimate Haitian head of state. His overwhelming popular mandate—over two-thirds of the vote in a free and fair election held less than a year ago—can be matched by few if any leaders in the hemisphere. That mandate should not be dismissed lightly. While we recognize the need to correct the human rights shortcomings of the Aristide government—and welcome international attention to these deficiencies—we believe firmly that these failings cannot be used to justify committing yet a further, serious human rights violation by depriving the Haitian people of the right to elect their government.

Our conviction in this regard is only reinforced by the brutal military regime that has replaced President Aristide's government. The new regime's ruthlessness can be seen in the forty civilians killed in Lamentin, just south of Port-au-Prince, when soldiers seeking to avenge the murder of one or two troops went on a rampage, mowing down pedestrians and shooting into homes; in the at least three hundred civilians estimated to have been killed by soldiers during the few days of the coup and its immediate aftermath—dwarfing the number killed by any means under seven months of President Aristide's rule; in the long list of independent radio stations which have been silenced by marauding soldiers; in the arbitrary arrest, and at times severe beating, of leading Aristide supporters; and in the warrantless raids on homes and offices of those deemed opponents of the military regime. As the U.S. Embassy in Port-au-Prince announced on October 24, 1991, there is reason for "profound[] concern[]" over "ongoing fundamental human rights abuses," including credible reports of indiscriminate killings, police harassment, illegal searches and looting of private homes and radio stations, arrests without warrants and detentions of persons without charges and mistreatment of persons in the custody of Haiti's de facto authorities."[3]

Our convictions that President Aristide must be returned to power is certainly not shaken by the charade of the National Assembly endorsing at gunpoint the army's choice for a new figurehead government. We recognize that various elements of Haitian society have their reasons for disliking President Aristide. The wealthy feared his talk of redistributing wealth. The established political class resented the priest-turned-candidate who transformed established political figures into distant alsorans. But disgruntled minorities, no matter how powerful, cannot snuff out the overwhelming mandate of the Haitian people. While the millions of Haitians who voted for Aristide may not have the international influence that the Haitian elite is now attempting to wield, their Election Day ballots should be influence enough to ensure that their considered judgment is respected. Certainly, a bunch of thugs brandishing Uzis should not be allowed to silence their vote.

Still, while affirming the duty of the international community to press firmly and effectively for the early restoration of the legitimate constitutional government of President Aristide, we believe that an assessment of the Aristide administration's record on human rights is appropriate, and the allegations of abusive practices under the Aristide government should be fully and carefully addressed. This report is devoted to that task.

* * * * *

The government of Jean-Bertrand Aristide compiled a record on human rights which showed much promise but which was also marked by certain troubling practices.[4] His administration began to pay close attention to much-needed structural reforms in some of the institutions that had long been used to repress the Haitian people, particularly the army, the rural section chiefs, and the prison administration. The result was most visible in a dramatic decrease in violence by military and allied repressive forces. However, efforts to reform other institutions—notably the criminal justice system—were more sluggish. Popular frustration with dysfunctional legal remedies led many Haitians to take the law into their own hands. In a disturbing deviation from his stated commitment to human rights, President Aristide voiced a certain tolerance for this popular violence as a substitute for the profound reforms of the legal system that were needed.

Since 1986, the military has been the chief barrier to democracy in Haiti. As we have shown in earlier reports,[5] Duvalierist forces, including former members of the Tontons Macoutes militia, have been to block democratic progress only when they were able to secure the army's collaboration. When on rare occasion the army defended the democratic process and stood up against these forces, the violence was quickly quelled.

Under President Aristide, the generals who had controlled the army on behalf of past military regimes were pressured to retire, and a new generation of officers, believed to be committed to democracy, were promoted to take their place. A number of military men who previously had been dismissed from the army for opposing its brutal actions, or who had resigned because they refused to commit violent abuses, were re-enrolled and promoted. A handful of soldiers were suspended from duty and even arrested following charges that they had killed or wounded civilians, denting the customary impunity enjoyed by the military for abuses against civilians.

As abusive commanders were transferred to obscure posts or dismissed, President Aristide went out of his way to woo rank-and-file soldiers and to shower praise on officers who appeared to support a role for the army in support of democracy. In response to popular demands, implementing the constitutional requirement that a civilian police force be established independent of the military, section chiefs were recast as "communal police agents" under the authority of the public prosecutor (commissaire de government). They were instructed to turn in their weapons, and an effort was undertaken to weed out the worst human rights abusers among them. The Justice Ministry also submitted to parliament a long-awaited bill to reform the security forces.

The Investigations and Anti-Gang Bureau of the Port-au-Prince Police, strengthened by the admission into its ranks of reform-minded officers, became increasingly effective in combatting the wave of violent and frequently politically motivated, crime that had swept Port-au-Prince and other cities since 1986. Prime Minister René Préval, in particular, insisted on ending violence by criminal gangs as a prerequisite to the establishment of democracy, gaining himself the reputation as the chief law-enforcement officer in Haiti.

The army was by no means thoroughly reformed. As this report shows, soldiers as well as police (who remained part of the army) continued to be responsible for some abuse of civilians, including killings. Moreover, the President's confidence in this new army turned out to have been misplaced, and there was apparently a swelling resentment that went unexpressed until it erupted the coup of September 30. However, these failings do not detract from Aristide's profound commitment to construct an army that marched side by side with the Haitian people, instead of against them.[6]

Along with his reforms of the military, President Aristide announced the creation of a commission to investigate the major human rights crimes of the past and named a group of distinguished citizens to lead it. He saw to it that a number of individuals alleged to have directed killings and torture under past repressive governments were arrested—albeit usually for the separate crime of plotting against the state—and that warrants for the arrest of others were issued. In an important symbolic move, he closed Fort Dimanche—long a center for torturing and murdering opponents of the reigning dictatorship—and dedicated a museum to its victims on the site. Aristide's military predecessors had long promised but had never acted to shut down this infamous prison.

Footnotes at end of article.

Overall, violence in Haiti of all sorts—including criminal violence, killings by soldiers and violent rural land conflicts—dropped conspicuously during President Aristide's tenure. From February 7 through the end of August 1991, twelve civilians were killed by soldiers, in contrast to twenty-six under the eleven-month government of Ertha Pascal Trouillot—a drop due in large measure to Aristide's efforts to exert civilian control over the army and to weed out abusive army officials. Active intervention by the Aristide government to resolve land conflicts peacefully left a toll of six lives, compared to forty-seven under Trouillot. The drop was even more precipitous in the number of murders classified as common crimes. A survey of crime-related murders reported in the Haitian press reveals at least sixty such killings during the Trouillot period and fewer than ten during Aristide's government, reflecting the more aggressive police work initiated under Aristide. Only in the area of lynchings of presumed criminals did the number of killings hold steady.

In fits and starts, the Aristide Justice Ministry attempted to improve deplorable conditions inside the country's prisons. It also permitted large numbers of journalists to enter the prisons for the first time, so that all of Haiti could learn about the inhumane conditions in which the prisoners lived. However, serious problems remained.

There was little improvement in the sluggish pace of justice for either common criminals or those alleged to have plotted against the government, and detainees continued to spend many months in prison before being formally charged, let alone brought to trial. The few trials that did take place made evident that the judicial system remained as inept as ever and almost as corrupt.

In the countryside, the advent of elected government did not prevent the eruption of several bloody conflicts over land, usually pitting groups of peasants against each other with one side often backed by a large landowner. However, appeals by President Aristide and intervention by his ministers may have headed off more extensive bloodletting. Far fewer people were killed in such conflicts than under past governments.

These limited yet important advances in respect for human rights in Haiti have been largely overlooked by the international community in its focus on popular violence under President Aristide—the practice known as "Père Lebrun,"[7] the Haitian name for murder by necklacing with a burning tire. Indeed, the lynching of suspected criminals continued to be a problem under the Aristide government, as it had been under most of the governments since the downfall of the Duvalier dictatorship. The number of incidents of summary justice by crowds under Aristide was roughly equal to the number under the first seven months of the government of Ertha Pascal Trouillot, and considerably less than the surge of bloodletting that followed the failed coup attempt of January 1991, during the last month of the Trouillot government.

Of deep concern, however, is President Aristide's apparently ambivalent attitude toward such lynchings. Although his government on at least one occasion condemned popular violence and on at least another occasion arrested participants in such violence, President Aristide failed to lend his personal voice to these condemnations. The distinction was critical given President Aristide's tremendous personal moral prestige.

The absence of the president's voice was most urgently felt during the past summer, as crowds of Aristide supporters threatened the court trying those accused of plotting the overthrow of the civilian government in January 1991, and legislators engaged in a political battle for jurisdiction and power with the executive branch. Firm condemnations from the popular president would not only have radically curtailed the incidence of such violence and threats of violence but would also have gone a long way toward strengthening the legal institutions whose failure had bred the popular frustration that was fueling resort to Père Lebrun.

More troublesome, while President Aristide often spoke eloquently of the need to respect constitutional remedies and political pluralism, and of the importance of love, brotherhood and non-violence, he seemed to view Père Lebrun as a necessary evil—particularly in two recent speeches described in greater detail below. To our knowledge, it was not until he was ousted from power that Aristide explicitly condemned lynching in public comments to the Haitian people.

This does not mean that we hold President Aristide responsible for inciting the threats and intimidation used by his supporters or the lynchings that did take place. We have seen no evidence to suggest that Aristide ordered these apparently spontaneous actions. But Aristide deserves strong criticism for failing to use his extraordinary moral authority with the Haitian people to instruct them in forceful terms that such methods have no place in a democracy. In this sense, responsibility for the killings is properly placed with Aristide.

Background: The election of December 16, 1990

On December 16, 1990, almost five years after President-for-Life Jean-Claude Duvalier was overthrown, Haiti held its first free and fair elections.[8] Since Duvalier's downfall Haitians had lived through three different military dictatorships and a short-lived civilian puppet regime, and were trying to survive under a weak and tumultuous provisional government headed by former Supreme Court Justice Ertha Pascal Trouillot.

President Trouillot's appointed nine-member Provisional Electoral Council sought extensive international monitoring and assistance for the elections. The United Nations and the Organization of American States sent several hundred representatives to Haiti to support and observe the elections. These forces helped to ensure that the elections were conducted successfully.

Father Jean-Bertrand Aristide, an extraordinarily popular Roman Catholic priest who had survived two attempts against his life by Duvalierist thugs, declared his candidacy for president at the end of October 1990, just days before the close of nominations. His decision to run electrified Haitians everywhere, and turned on their head widespread predictions of poorly attended, "managed" elections. Voter registration soared and with it excitement about the elections. There was only one significant incident of violence during the campaign: on December 5, about an hour after Aristide had spoken at a vast rally in the Port-au-Prince suburb of Petionville, one or more grenades were tossed into the large crowd still milling about. Eight people were killed and seventy wounded.

On Election Day, December 16, voters stood in line all over Haiti to cast their ballots for president, senators, deputies, mayors and members of Communal Administrative Councils. There was no violence and little intimidation. The army defended the integrity of the balloting. It was a day of awesome achievement for the Haitian people.

One day later, with spot returns counted, Aristide was projected, and then internationally acknowledged, as the overwhelming winner in the twelve-candidate field. When the Electoral Council's final tallies were made public on January 14, Aristide was shown to have secured 67.48 percent of the vote. His closest rival, Marc Bazin, obtained 14.22 percent.

Before he could take office, Aristide had to survive an attempted coup d'etat led by former Tontons Macoutes chief Roger Lafontant on January 6 and 7. But the people and the army proved loyal to their elected government.

On Inauguration Day, February 7, 1991, Aristide became Haiti's first popularly elected leader. His legitimacy was uncontestable.

POSITIVE STEPS BY THE ARISTIDE GOVERNMENT

Extending civilian control over the military

President Aristide's attempts to transform the Haitian army into an institution that respected human rights and upheld democracy began with his inaugural speech.

"I love you, General Abraham," he told the army's commander-in-chief, Hèrard Abraham, as he announced the beginning of what he called "a marriage between the army and civilians." The new president promised to turn over to the military a six-million-dollar interest-free loan promised by Taiwan. But after gushing praise, especially for the army's peace-keeping role during the elections, Aristide asked Abraham for a favor in return: would he please retire six of the seven highest ranking generals in the army, and promote in their stead some of the colonels who had supervised security for the elections?

It seemed a masterful move. Indeed, Abraham, who himself had emerged as a hero by ensuring the Haitian army's support for the electoral process, complied. Within a week, Generals Gérard Lacrete, Serge St.-Eloi, Acédius St. Louis, Fritz Romulus, Jean-Claude Laurenceau and Roland Chavannes, and Colonel Christophe Dardompré retired on full pensions. Colonel Raoul Cédras, who had headed the election security committee, was made a major general and army chief of staff.

General Abraham stayed on as army commander-in-chief until July 2, when in what was presumed to be another successful effort by Aristide to reshape the army, he resigned "for personal reasons" and Colonel Cédras was promoted to Brigadier General and named as interim commander-in-chief.

A small number of officers who were notorious for human rights abuses were transferred to obscure posts. A particularly abusive example was the army commander of Petite Rivière de l'Artibonite, Maxi Maxime.

A group of reform-minded officers and soldiers who had been dismissed under General Prosper Avril, or who had, in some cases, deserted the army rather than carry out retrograde orders, were reinstated and in some instances promoted. Among them were Pierre Chérubin, who was named chief of the Port-au-Prince Police, and several who became members of Aristide's personal security detail, including Dany Toussaint, who was promoted to captain, and Fritz Pierre-Louis, who became a lieutenant. Pierre-Louis was killed by soldiers who arrested President Aristide in the course of the coup.

Abolishing the system of section chiefs

The most significant administrative change undertaken by the Aristide government was the abolishment of the system of section chiefs (chefs de sections). These rural sheriffs, integrated into the army and reporting to the local sub-district commanders, had for decades been the real rulers of

the rural sections of Haiti's rugged interior. They collected taxes, policed the villages with the aid of dozens of deputies, arbitrated land and personal disputes (for a fee), jailed and punished malefactors and decided what independent groups were allowed to operate in the section. The worst section chiefs kept their sections poor and cowed through extortion and violence.

In early April the Justice Ministry announced that Haiti's 555 section chiefs would be transferred from military to civilian jurisdiction, under Justice Ministry control. The renamed "communal police agents" would be accountable to local prosecutors. The section chiefs were ordered to turn in their arms and munitions but were assured that they would not lose their pension rights. The ministry also announced that those who were found guilty of corruption or other violations would be discharged.

Although the announcement was widely praised, putting it into practice proved more complex than anticipated, and a lack of guidelines for the transition added to the difficulties. Some of the old section chiefs slipped into their new posts and continued to operate in the old way. Peasant organizations—including Tet Kolé, the Haitian group that has taken the lead in monitoring section-chief abuses—objected to any of the former section chiefs staying on as communal police agents. They called for the training of a new police force to make a clean break with the coercive practices of the past. In other areas, the section chiefs quit the vicinity, leaving it without any police force and allowing violent quarrels to thrive.

In June, reflecting problems that occurred in many parts of the country, members of the elected councils of towns and rural communal sections in southeastern Haiti wrote an open letter to Aristide's prime minister, Rene Preval, alerting him "to the problems we are facing relating to the procedure you decided upon for choosing the communal police agents." Among the problems cited were the former section chiefs' refusal to play any role in controlling crime because, they argued, "they no longer have firearms to use as instruments of intimidation against evildoers. . . ." As a result, the letter noted, "Banditry has increased considerably in the communal sections; [and] thieves act with total impunity in the absence of the police." The council members noted that "conflicts have increased in the countryside between members of peasant groups" and that "in certain localities, there is even the threat of bloody tragedy, because of the excitement provoked by the business of choosing" the police agent. The letter writers recommended that the prime minister name the communal police agents himself.[9]

Attempts to curb military impunity

Under President Aristide, and the officers he induced the army to promote to positions of power, human rights abuses by soldiers against civilians decreased markedly. During the government's first seven months (February–August), twelve civilians were murdered by soldiers. By contrast, during the first seven months of the Trouillot government (March–September 1990), twenty-six civilians were killed by the military. Under prior military governments the figures were considerably higher.[10]

The decline in military abuses was due to the unprecedented steps taken by the Aristide government and military commanders to discipline soldiers accused of abusing civilians. Impunity for rights violations was no longer taken for granted.

This new approach was evident in the treatment of an incident in Montrouis in the lower Artibonite, where on March 9, two soldiers from the St. Marc garrison, reportedly trying to extort money from a 14-year-old peasant boy, killed him when he resisted. The population of the coastal town reacted by attacking and killing the soldiers and setting fire to the small army post in their town. Soldiers shot and killed another civilian in the fighting. After Prime Minister Rene Preval visited the scene, six soldiers were arrested and dozens of others disciplined. The arrest of soldiers for infractions against civilians had been unheard of in Haitian history. However, no civilians were arrested for lynching the soldiers.

Elements of the new approach—though, unfortunately, tempered with a substantial dose of the old—could also be seen in the reaction to the deaths of five youths in police hands at the end of July. A lieutenant was arrested, and a captain was suspended from duty while an investigation was launched. However, the results of the investigation were never announced. (For further on these killings, see "Continuing Military Abuse," below.)

Toward prison reform

The Aristide government allowed unprecedented access by the Haitian press to Haiti's prisons and thus focused considerable attention on the conditions in which prisoners were held. The government's second minister of justice, Karl Auguste, seemed to take a particularly serious view of the problems in Haiti's prisons and began a number of constructive efforts for their improvement.

Haiti's prisons traditionally have been run by the military. Outside the capital, prisons are found inside army barracks. Typical conditions for prisoners, the overwhelming majority of whom are pre-trial detainees, have been characterized by beatings, severe overcrowding, lack of food, co-mingling of minors and adults, and inadequate sanitary and medical facilities. In the recent past, deaths from torture and starvation were virtually routine in some detention centers.

Early in its term, the Aristide government finally transferred prison administration from the military to the Justice Ministry. The public prosecutor was the titular head of the prison, which made gaining access to the jail easier for visiting human rights delegations, but soldiers continued to serve as prison guards and the warden was an army officer.

Aristide demonstrated a commitment to prison reform by visiting the National Penitentiary in one of his first acts as president-elect. On December 28, 1990, he spoke with the inmates and listened to their complaints. He promised that all prisoners would have their cases heard, and that those who were wrongfully confined would be released. He announced: "Starting next February 7 [Inauguration Day], we are going to fight so that justice reigns in this country. Each and every case will be studied."[11]

Aristide was not the only official of the new government to visit the penitentiary. In sharp contrast to their predecessors, both of Aristide's justice ministers paid visits to the prison early in their terms.

After a visit to the National Penitentiary shortly after Aristide's inauguration, Bayard Vincent announced that $10,000 a month would be made available to purchase food for the prisoners and that a section of the Ministry of Social Affairs would be delegated to handle the logistics. He also announced that the Haitian Red Cross would be donating 65 beds to the prison. Vincent spoke of the need for "uniform" treatment of all prisoners and admitted that there were no decent prisons in the country.[12]

Our representatives visited the National Penitentiary on May 1, 1991, in the company of then public prosecutor Anthony Alouidor. We found conditions in the prison essentially unchanged from those observed during previous visits.[13] The prison held 896 inmates that day, Alouidor said. Of these, 227 were under investigation—that is they had not yet been formally charged with any crime. About one quarter of the remaining 669 had been arrested prior to February 7, 1991, and their status was unclear. The rest, he said, had either been convicted of a crime or had been formally charged with one and were awaiting trial.

The section for male common prisoners, the largest in the prison, held some 700 inmates. Food was inadequate, open sewers spewed filth into the compound when it rained; there were large garbage dumps inside the facility; rats, mice and insects plagued the prisoners; and most prisoners were forced to sleep on the ground.

The delegation found nine boys between the ages of 14 and 17 living in the midst of the adult prisoners; this, too, was a continuation of past prison practices. The boys were released when this was brought to the prosecutor's attention.

The delegation heard complaints from prisoners that they were still subject to beatings by guards. They were told that in mid-April, a detainee had been beaten to death in the National Penitentiary after he tried to escape. The public prosecutor first denied knowing about the incident but later admitted that it had occurred and that the inmate had died from his injuries.

The delegation encountered several men who had been deported from the United States after serving a criminal sentence there. These men had been taken into custody at the Port-au Prince airport and brought to the prison without any legal formalities.[14]

Aristide's second justice minister, Karl Auguste, visited the National Penitentiary on May 22 together with Prime Minister Préval. Auguste, too, listened to many prisoners' complaints and spoke at length with Roger Lafontant, Marjorie Robbins and Serge Beaulieu, all in prison on charges of attempting to overthrow the government. He pledged to work toward improving detention conditions. Auguste told the press that he had called on the Division of Public Hygiene of the Health Ministry to fix the prison's latrines and announced that he was going to hire a private company to rid the prison of mosquitoes and rodents. He denied seeing any evidence that prisoners were being beaten.

On June 3, Prime Minister Préval visited the prison in Petionville, where he said he saw evidence of very bad conditions. He promised that the Ministry of Justice would address the just complaints of the inmates.

On June 13, Auguste visited the prisons in Petionville and Croix des Bouquets. According to a Justice Ministry press release, Auguste and the chief of the ministry's Detention Service, Raoul Elysee, interviewed detainees and evaluated the facilities. They found the cells in the Petionville prison to be seriously deficient—poorly ventilated and lacking basic necessities. The toilets functioned poorly, no food or medical care was provided to the prisoners, and boys as young as twelve were kept in the cells.

Later the same day, the minister's party visited the headquarters of the Military Department of the West in Croix des Bouquets.

This prison, the ministry reported, had fewer detainees, the majority of whom were apparently serving sentences of several months for theft. No minors were discovered in this prison.[15]

Several days after these visits, Auguste announced that the detention section of the Ministry of Justice would be spending 60,000 gourdes (US$ 12,000 at the official rate of exchange) a month to improve the food available to inmates in the National Penitentiary. (This is virtually the same sum that had been promised by Bayard Vincent. It is not clear whether Vincent's food-supply program had ever been implemented.)

Auguste also announced his intention to reduce the population of the National Penitentiary from nine to six hundred. A commission was created to review the cases of all prisoners. Auguste vowed to correct the prison authorities' failure to maintain a register recording each prisoner's name, age and sex, the time and date of detention, and the reason for detention. He recognized the need to segregate juvenile from adult inmates, though noting that inadequate facilities made this goal difficult to meet in the short term. And he pledged to establish a corps of civilian wardens trained in the requirements of United Nations standards governing the treatment of prisoners.

It was evident that under Auguste, the Justice Ministry was making a serious attempt to improve prison conditions, at least in detention centers in or near the capital. But these efforts had not yet borne much fruit, as was apparent from the early September 1991 report by the United Nations expert on Haiti, Bruni Celli. Celli spent a week in Haiti investigating human rights conditions. He visited the National Penitentiary and the prison in St. Marc, and reported that conditions in both prisons were extremely bad from the point of view of hygiene, food and medical care. During the time of his visit, he said, the National Penitentiary had more than one thousand inmates; not a single bed could be found in the St. Marc prison; and lengthy detention without trial continued to be the norm.

Seeking justice for past crimes

Although "justice" was a watchword of the Aristide campaign, the new government moved slowly in shedding light on the major human rights crimes of past years. On February 25, less than three weeks after Aristide's inauguration, the Ministry of Information announced the formation of a commission to address "current burning" human rights concerns, including "the massacres at Jean Rabel, Danti and Labadie, and the conditions of detention in the prisons." The commission was to be made up of the ministers of justice, social affairs, agriculture, and planning. Choosing the ministers themselves, who had so many other pressing concerns, seemed to doom the commission from the start. And, in fact, this commission never seems to have gotten off the ground.

On August 23, a second commission was announced.[16] Five independent figures were named as members: Necker Dessables, director of the Catholic Church's human rights division, the Justice and Peace Commission; Jean-Claude Bajeux, the director of a leading human rights group, the Ecumenical Center for Human Rights; Lucien Pardo, a respected politician from the Artibonite region; and two young activists from popular organizations, Patrick Henry and Georges Moises. Bajeux and Pardo's identification with KONAKOM, a political party often at odds with Aristide, seemed to underscore the commission's independence.

The second commission's mandate was to investigate the major human rights crimes of the period 1986 to 1990, that is, the period from the fall of the Duvalier dictatorship through the election of Aristide as president. It was to have a four-month term, renewable as necessary. In a September interview, Necker Dessables told our representative that there was strong interest among the members in extending the mandate to include the crimes of the Duvalier period. He informed us that the government had allocated office space to the commission but that a budget was still in the works.

The lack of a working commission throughout Aristide's tenure did not prevent action from being taken against a number of individuals believed responsible for abhorrent crimes in the past. Nikol Poitevien, a major landowner implicated in the July 23, 1987, massacre of hundreds of peasants in Jean-Rabel in Haiti's Northwest, was arrested in March 1991. Five other suspects in the Jean Rabel massacre, the largest mass-killing in recent Haitian history, were arrested in April but quickly released for purported lack of evidence. In a May interview, members of Tet Kolé, a peasant organization active in the Jean Rabel area, said the others were released under pressure from influential individuals in the region. Poitevien had not yet gone to trial when the Aristide government was overthrown.

On the fourth anniversary of the Jean-Rabel massacre, Prime Minister Préval, Justice Minister Auguste and Agriculture Minister François Severin traveled north to commemorate the terrible incident. In a speech at the scene, Auguste promised that all those who had taken part in the massacre would be arrested, judged and convicted.

In anticipation of the anniversary, a number of common graves where the bodies of victims of the massacre had been unceremoniously dumped were excavated. Delegations of peasants from Haiti's nine departments took part in a ceremony in Jean Rabel on July 22. A symbolic funeral mass was held on July 23 in the Church of St. Jean Baptiste in Jean-Rabel.[17]

A few days later, the Jean-Rabel police arrested two others accused of participating in the massacre: Patrick Lucas and Loudy Hèrard, the former section chief of Djondjon, the seventh communal section of Jean-Rabel. According to state-run radio, Justice Minister Auguste, following interviews he conducted in Jean-Rabel, had asked the local justice of the peace to issue arrest warrants for a number of people implicated in the massacre, but most succeeded in eluding the police. Lucas and Hérard, accompanied by their lawyers, appeared before a judge in Port-de-Paix on July 26. After questioning they were jailed in Port-de-Paix.[18]

In separate matters, the Aristide government in its first several months issued warrants for the arrest of Franck Romain, the former mayor of Port-au-Prince who is widely believed to have masterminded the massacre of parishioners at the Church of St. Jean Bosco in September 1988, and Williams Regala, defense minister under the abusive government of Henri Namphy. Romain, however, had been granted political asylum in the Dominican Republic, and Regala was also believed to be living abroad.

Many figures from previous regimes who were widely believed responsible for human rights abuses were sought not for these crimes but on charges stemming from their alleged actions during the Aristide period. Two prominent allies of former dictator Prosper Avril were arrested on March 26 and charged with "plotting against state security" and attempting to overthrow the civilian government. Evidence supporting the charges against ex-Information Minister Anthony Virginie St.-Pierre and former Fort Dimanche commander Isidore Pongnon was not made public. Numerous accusations have been made against Pongnon, especially for directing the torture of prisoners in his custody at the infamous detention center, but these charges were not pressed.

The public prosecutor at the time, Anthony Alouidor, also issued a summons to Colonel Joseph Baguidy in connection with the same plot. The former commander of the Police's Criminal Research Bureau (Recherches Criminelles), Baguidy is a prime suspect in the 1987 murder of presidential candidate Yves Volel and an often-accused participant in acts of torture, but no charges relating to these actions were filed.

Even given the limited scope of these charges, the military was at first apparently displeased by the sight of civilian authorities issuing a warrant against a high military officer. Later, however, the army itself moved against Baguidy, ordering him to return to Haiti from the Dominican Republic where he had been dispatched as a military attaché by the Trouillot government. When he did not return the army, in a groundbreaking move, court-martialed him in absentia for desertion, sentencing him in August to two years in prison.

Daniel Narcisse, another close associate of Prosper Avril, was arrested on July 13 for allegedly plotting to overthrow the government. Narcisse had headed the Commissariat for Overseas Haitians under the Avril government. Arrested at the same time, and allegedly involved in the same plot, were Antonio Paul (brother of deceased Colonel Jean-Claude Paul), Major Wilner Louis of the Haitian Marines, and a half-dozen others. At a press conference Police Chief Chérubin presented 46 molotov cocktails which he said had been seized at various homes.

None of those arrested for allegedly plotting against the state was ever brought to trial, and the evidence against them that was made public was not terribly convincing. At the time of the coup, it remained unclear whether these were valid prosecutions. What was clear, however, was that the decision to pursue charges of coup plotting to the exclusion of pressing charges for past human rights abuses fueled popular frustration with the legal system as a mechanism for confronting violence.

Creating a civilian police force

The 1987 Haitian Constitution mandates the creation of a police force under the jurisdiction of the Ministry of Justice. Haiti's police force has historically been a division of the army and no Haitian president before Aristide had taken any steps to form this separate force.

In August Minister of Justice Karl Auguste submitted a bill to parliament outlining the creation of a separate police force. The bill was never made a part of the public record, hindering public debate that might have helped to break the legislative deadlock over the bill which evolved behind closed doors.

According to a copy made available to us privately, the bill envisioned a centralized force under the jurisdiction of the Justice Ministry with a command structure similar to the army's. The bill called for the establishment of an "administrative" and "judicial" branch of the police. The administrative branch would be responsible for traditional policing duties including riot control. It would include six units: penitentiary,

anti-riot, firefighting, traffic, anti-gang and narcotics, and anti-contraband. The judicial police would be composed of the public prosecutor and his deputies (commissaires de gouvernement and substituts de commissaires), investigative magistrates, justices of the peace, and officers and police agents as defined in the criminal code.

Advocates of greater civilian control over the police objected to the bill because it allowed for civilian oversight only at the pinnacle of the hierarchy, where the Justice Ministry would replace the Defense Ministry as the supervising agency, while retaining a military chain-of-command within the police department. On the other hand, many in the army and the police objected to any form of submission to civilian authority.

In response to those who said the bill did not go far enough, the legislators developed an alternative plan which would have had the police report not only to Justice Ministry officials but also to local elected officials. However, the plan was criticized for creating a complex and overlapping chain of command. The dispute over the bill had not been resolved at the time of the coup.

The President's personal security guard

There has been considerable speculation in Haiti about the Service de Sécurité du President (SSP). President Aristide has said that he sought to create a small, well trained security force to assure his personal protection. As a popular civilian president in a country traditionally ruled by the army, his nervousness about his own safety was not surprising. Yet extravagant rumors have likened the SSP to the brutal Tontons Macoutes militia created by François Duvalier as a counterweight to the army. The SSP's existence became a bone of contention between the president and the army, and was cited by the military after their coup as one of their chief grievances.

What was this SSP? As the interview below makes clear, it consisted of some thirty men—soldiers and civilfans—who received training in security techniques from a handful of French and Swiss police officers. It seems that the wild charges about the force were deliberately invented to stir up resentment against the president among army troops—that, in fact, the SSP should have been no more an affront to the army than the civilian U.S. Secret Service is to the Pentagon. The army's unwillingness to accept the SSP was yet another example of its refusal to submit to civilian authority.

In an October 6 interview with Radio Canada,[19] Laurent Walpen, the chief of the Geneva police, explained his role in training this security corps and providing advice on the formation of a civilian police force:

"When I came to Haiti in the month of June, I realized that the people, after all the suffering they had been through, had an enormous need for security. . . . It was this that persuaded President Aristide to ask the French first, and then the Swiss for advice on setting up this civilian, democratic police force that would respect human rights.

"So, it was in this context that the Geneva police undertook an exploratory mission at the beginning of June; and in the course of the month of September, two officials from the Geneva police, and then a third, went to Haiti for two and a half weeks. Their mission was the following: first of all, it was to provide training for the personal security guard (*garde rapprochée*) of the President, who felt threatened (and the events have shown that he was not wrong.) Next, he asked to be counseled on protective measures, especially architectural, to take for the security of official buildings. In the longer term, we would have proposed the creation of a police academy that he hoped would be open to women, and finally, proposed to him new structures for the national police."

Asked by the interviewer whether the Swiss were training a "personal militia" for Aristide, Walpen replied:

"It's absolutely false. The mission of our collaborators was to train the personal security guard of the president. This guard was not a private militia; besides it was made up of civilians and military personnel. The commander of the guard was himself a major in the army, a physician/major who, naturally, as a function of his role as a doctor, did not have immense experience with the problems of security and protection of people. We trained (as the French did before us) for some three months. We had just completed the training of the personal security guard of the president. We trained some thirty persons. . . .

"This story of the personal militia is absolutely unknown to our trainers. They never had the impression that President Aristide was forming a parallel militia; they went there at the request of the President in a very traditional mission of collaboration, as they have in other countries."

Asked by the reporter to comment on the source of the Haitian army's discontent, the Geneva police chief said:

"I think this is very simple. You must know that in Haiti there has only been but one real and true power: the army . . . with its excesses, its exactions, its abuses that we know about. Clearly, if a civilian police force had been created, the army would see its power amputated, because its mission would be reduced to the protection of the state.

"Now, for the army to lose this police power, was to lose a great part of its prerogatives, and beyond that the fact that President Aristide had dismissed a certain number of military officials was doubtless of a nature to irritate the military. It is possible that the presence of police officers from Geneva in Haiti could have been the crystallization, the demonstration for the military, that President Aristide wanted to move from talk into action and create a civilian police."

ONGOING ABUSES UNDER PRESIDENT ARISTIDE

Popular violence

One product of this dysfunctional legal system as a means for addressing human rights abuse was a rise in popular violence, as Haitians simply took the law into their own hands. Under President Aristide, no progress was made in combating the practice of summary justice, or lynching. Lynching of suspected criminals continued to occur at approximately the same pace as it had under most of the Trouillot government's tenure.

Threats of lynching also became a tool used by some supporters of the Aristide government to intimidate opposition politicians. Although no one was ever killed by the large crowds that gathered on several instances to support the Aristide government, several members of Parliament were roughed up, the offices of a trade union were burned down and those of a popular organization looted. President Aristide did not publicly discourage this activity, and his government rarely intervened.

In addition, both explicit and implicit threats of lynching had the effect of discouraging lawyers from defending unpopular figures.

Haiti's long history of entrenched lawlessness—dominated by corrupt dictators, presidents-for-life, and military strongmen, backed by a cowed and ineffectual judicial system, and sustained by police forces that answered only to the army—has bred resort to "popular justice" as the only form of redress for the overwhelming majority of the population without access to or confidence in the courts.

Since the fall of the Duvalier dynasty, "dechoukage," or uprooting, in which people take the law into their own hands, has been a recurrent form of alternative "justice," and until recently, it was the only kind of "justice" people ever experienced on their behalves.

In 1986, when Jean-Claude Duvalier fled Haiti and was replaced by a military junta, hundreds of Tontons Macoutes were believed killed in retaliation for twenty-nine years of oppression. By contrast, only two Duvalierist leaders were ever brought to trial and convicted.

In September 1988, a few days after military-backed gunmen killed thirteen people and wounded more than seventy at a mass in Father Aristide's Church of St. Jean Bosco, soldiers promising reforms launched a coup d'etat and a surge of dechoukage began again. Some of those alleged to have murdered in the church were executed in the streets. Once again, the new regime of General Prosper Avril failed to substitute any justice in the courtroom.

By 1990, dechoukage had become such a common feature of political upheaval in Haiti that many of Aristide's detractors said they feared that his victory in the December elections would lead to a repeat of the popular killings of 1986 and 1988. The lack of any significant prosecutions under the interim Trouillot government only heightened the potential for violence. In fact, election day and many days after were tranquil.

Dechoukage resurfaced only after former Tontons Macoutes leader Roger Lafontant tried to take away Aristide's electoral victory a month before his inauguration. On January 6, at the first word of the attempted coup d'etat, crowds went into the streets, built barricades and demanded that the army move against the plotters. Dozens of people were killed in battles between Lafontant supporters and loyal civilian and military groups. Nobody knew how deep Lafontant's support ran, and mobs attacked others alleged to be supporting him, sometimes mutilating and burning them alive. One target was the conservative archbishop of Port-au-Prince, Francois Wolff Ligondé, and Aristide opponent. He escaped, but the Vatican's representative in Haiti was nearly lynched, and several church buildings were destroyed. At least thirty people were killed in Port-au-Prince in such incidents over three days.

Lafontant and his cohorts were captured and jailed, and trials were prepared. But the dream that began on December 16, of a Haiti that could choose its leaders in peaceful elections instead of through violence, had been tarnished.

The Lafontant coup left many Haitians believing that only popular vigilance could keep the Aristide government in power. Given Haiti's inexperience with democratic pluralism, many Aristide supporters were unable to distinguish lawful criticism of the president or his appointees from the destabilizing efforts of Tontons Macoutes or coup-plotting soldiers. They viewed the need for popular mobilization—including the threat of violence—as a necessary tool to deter further military or right-wing adventurism.

Unfortunately, this arguably defensive use of the threat of popular violence gave way increasingly to an offensive use—not against

enemies of democracy but against legitimate political opponents of President Aristide. The Aristide government's first seven months in office were marked by ongoing friction between the executive branch and the majority of legislators in the two-chamber parliament. The root of the conflict, according to most observers, was less ideology than competition for power and jobs. Parliamentarians who were members of the National Front for Change and Democracy (FNCD), the coalition which had sponsored Aristide's candidacy, were disappointed when Aristide appointed a government of close associates, many of them without political experience, while passing over the political parties and leaders who had campaigned with him. Aristide rubbed salt in their wounds when he proceeded to replace Supreme Court judges and make other important decisions without consulting the legislature.

At first, the legislators manifested their dissatisfaction by bickering with the executive, delaying approval of executive appointments and summoning ministers to appear before the chambers. But as the stand-off continued, members of parliament began to call for Prime Minister Préval's resignation. As the battle heated up, with some Aristide supporters viewing criticisms of Préval as attacks on the president, the galleries above the legislative chambers filled daily with hostile spectators, some of whom shouted threats of Père Lebrun at legislators who criticized the government. Members of parliament complained but there was no apparent tightening of security.

In August, as the Parliament threatened a vote of no confidence against the Préval government, threats against the legislators reached a fever pitch. Géla Jean-Simon, a deputy from Vallières, was beaten by demonstrators as he left the Legislative Palace on August 6. During the night of August 7, a crowd stoned the home of Turneb Delpé, a senator and FNCD leader, breaking windows and objects inside the house.

Attacks by pro-Aristide groups were not confined to the legislature. On August 13, a mob burned down the headquarters of the Autonomous Federation of Haitian Workers (CATH). CATH is headed by Jean-Auguste Mesyeux, the spokesman for Operation Windstorm, a campaign which had called for the government's resignation.

According to some reports, it was the same mob which then looted the offices of the Democratic Unity Confederation (KID), the political base of Port-au-Prince Mayor and FNCD leader Evans Paul. The mob later stoned the mayor's office.

The same day, a crowd of 2,000 demonstrators massed around the parliament, threatening to lynch legislators if they voted to censure the prime minister. Josué Lafrance, a deputy from Port-de-Paix, was badly beaten, and Franz Monde, vice-president of the Chamber of Deputies, was attacked.

On this occasion, the Artistide government took some steps to end the violence. Police interceded with tear gas to break up the violent crowd, according to Radio Galaxie.[20] The following day, Minister of Information Marie Laurence Jocelyn Lassegue issued a communique that distanced the government from the previous day's violence, expressed sympathy for the victims, and called on the population to respect one another's rights.[21]

Lawyers intimidated from taking controversial cases

One by-product of the popular hatred of Lafontant and the killing of Duvalierists following his coup attempt was that no lawyer could be found to take the plotters as clients. In a January 28 letter, Jean-Jacques Honorat, executive director of the Haitian Center for Human Rights (CHADEL) and currently prime minister of the military-backed Haitian government, solicited assistance from the international community "to ensure that some kind of protection be given to any lawyer who might be willing to provide his/her professional services" to defend Roger Lafontant and his cohorts. Honorat stated: "Let me remind you that I have no personal sympathy for the individuals involved. I was ten years (1964-74) on Roger Lafantont's hit list when he was a Tonton Macoute commandant." Yet, Honorat stressed, "No one can deny these people their right to due process and to have access to an attorney. It so happens, however, that no lawyer has thus far accepted to take their cases. Given the threat of 'dechoukaj,'. . . all lawyers contacted for or by the culprits have turned down the request. . . ."[22]

Attorney Lherisson Alezi, a public prosecutor under Jean-Claude Duvalier who had represented Lafontant in 1990 and other Duvalierists including Luc Desir and Samuel Jeremie in earlier years,[23] declined to defend Lafontant against the coup charges. "In any other country, I would accept to defend him," he said. "But in Haiti with these people who don't understand anything, I will not agree . . . because the people can do anything to you, can dechouker you even for exercising your profession."[24] Regardless of whether such a statement was motivated in part by political antipathy toward the new government, the climate at the time in fact was not conducive to lawyers working without fear of persecution.

In the end, most of the defendants in the case received court-appointed lawyers with whom they were able to confer only a few days before the trial. Lafontant refused to accept an appointed lawyer. Two defendants, Marjorie Robbins and Serge Beaulieu, were able to obtain private lawyers a few months after their imprisonment.

Even outside the case of Roger Lafontant and his co-defendants, the atmosphere of intimidation affected lawyers representing unpopular clients. We spoke with several such lawyers during an April visit to Haiti:

Moyse Senatus, a practicing attorney and human rights advocate, said he received telephone threats for taking up the defense of former Provisional President Ertha Pascal-Trouillot, after her arrest on April 4.

Raymonde Joseph, an attorney who is the widow of slain human rights leader Lafontant Joseph, described "all lawyers" as afraid to take controversial cases.

Arnold Charles, the chief judge of the Port-au-Prince court, said he feared that the Aristide government was promoting violence by not acting decisively to stop the "dechoukage." Charles felt that most lawyers were intimidated from taking controversial cases.

President Aristide took no public stance against the intimidation of lawyers.

Lynchings under the Aristide government

A survey of human rights violations during the Aristide government's first seven months in office (February 7 through the end of August) turns up twenty-five instances of people killed by mob lynching.[25] By comparison, during the ten months of the government of Ertha Pascal Trouillot, at least seventy-five people were lynched, although some thirty of these were killed in dechoukage after 'the attempted coup d'etat by Roger Lafontant in early January 1991 was put down, and some twenty more were murdered on January 27, following a false coup rumor. Apart from the January killings, there were twenty-six cases of mob lynchings recorded from April 1990 through the end of the Trouillot term—virtually the same number as under the Aristide government.

As for the mob killings that took place during Aristide's tenure, several involved soldiers and a former section chief who were turned upon by crowds for allegedly killing civilians or associating with an accused killer.

On June 2, in St. Michel de l'Attalaye in the Artibonite, the former section chief, Mérès Joachim, shot and killed Dieulibon Narcisse, a member of the elected administrative council of the section (Conseil d'Administration de la Section Communale, or CASEC), reportedly because Narcisse had opposed Joachim's attempts to reassert his lost authority in the village after the abolition of the office of section chief. In retaliation, on June 3, a group of villagers seized a soldier named Dornévil Jean, who they said was a follower of Joachim, beat him, and burned him alive. On June 4, members of the local population captured and killed Joachim himself.

On March 9, two solders based in Montrouis in the Artibonite, Rony Pierre and Dorélus Mirabeau, shot and killed fourteen-year-old Phanor Mérantus after he refused to give them the $150 he had obtained for selling a pig. The local population, in turn, chased the soldiers. The soldier took refuge at the small local military post, where they opened fired on the crowd, killing a man known as Lebreton. Enraged, the crowd burned down the post and killed the two soldiers. Following a visit to the scene by Prime Minister Préal, six soldiers from the St. Marc garrison were arrested for having disobeyed orders and fired into the crowd when they were dispatched as reinforcements to Montrouis.

On June 23, Sergeant Raymond Tassy, who was stationed at the Toussaint L'ouverture Barracks in Gonaïves, was killed with machetes and stones and then burned in Boisneuf, a section of Terre-Neuve, twenty miles north of Gonaïves. He had been attending the funeral of one of his sons, and he publicly accused a local woman of causing the son's death through witchcraft. When the woman, Jeunice Defrène, was found dead, Tassy was believed to have killed her.

In one case, there was no immediate or specific crime that the victim was alleged to have committed. On July 29, the day of the trial of former Tontons Macoutes Chief Roger Lafontant, and the anniversary of Duvalier's annual Tontons Macoutes parade, two thousand local residents demonstrated in the streets of the Arbitonite town of St. Marc to dechoiké, or uproot, alleged Duvalierists in the region. Some carried machetes, gasolines and matches. As the dechoukage progressed, two alleged Duvalierist bandits, Joseph Saint-Hilaire and Anatyle. Ovilma, were hacked and burned to death by crowds in La Voûte, the fourth section of St. Marc. More than twenty houses were also destroyed. In this case, the police arrested and jailed twelve people involved in the violence.

In the case of the other eighteen popular killings that took place under Aristide's presidency, the victims were civilians believed by the crowd to be common criminals. Often, they were surprised in the act of committing a crime, such as when two armed men were caught and killed by bystanders at the state industrial park outside Port-au-Prince after they had allegedly killed security guard Hubert Déliceon on June 23, or

when alleged criminal, Dieudonné Desir was hacked to death by inhabitants of Petite Rivière de l'Arbitonite on June 5.

Aristide's responsibility for popular violence

What responsibility does President Aristide bear for attacks by his supporters on opposition parliamentarians? For anonymous threats against attorneys of unpopular clients? For the lynching of presumed criminals:

We cannot hold Aristide responsible for inciting reprehensible actions by his followers since the violent crowds acted quite spontaneously. Indeed, police acted to restrain mobs or make arrests on at least two occasions noted above, on July 29 in St. Marc and on August 13 in Port-au-Prince. But Aristide deserves blame for choosing not to use his exceptional moral authority to speak forcefully against this violence. In our view, much of the violence could have been avoided had Aristide personally condemned it publicly and unequivocally.

While Aristide occasionally spoke against Père Lebrun in interviews and conversations, his public speeches were more ambiguous. For instance, after the February 13 lynching of Richard Vincent Emmanuel, a Haitian-American engineer who had been mistaken for a criminal, Aristide intervened on a radio talk show to express his sympathy to Emmanuel's widow. He affirmed his determination to see justice done in the case,[26] and deplored all violence. What he did not do was to take the opportunity to call on Haitians in specific terms to cease taking justice into their own hands.

Most disturbing is that on two occasions Aristide seemed to endorse the practice of Père Lebrun. Aristide has a masterful command of his mother tongue, Creole, and is expert at the practice of "voye pwen," or speaking with double and triple meanings, enabling him to direct different messages at different audiences or sectors of society. He rarely works from a printed speech and, translations of his speeches often do not convey their subtle subtext. Still, we believe that the two speeches quoted below have been fairly interpreted as condoning popular violence.

On September 27, just two days before the coup that would topple him began, Aristide made a speech that was widely understood as a bitter attack on Haiti's elite for not investing in the country and an encouragement of the practice of Père Lebrun, although the speech contained no explicit mention of the practice of necklacing. Sources close to President Aristide contend that the tone of this speech was influenced by information he had received about the impending coup d'etat. Aristide, referring to wealthy Haitians who refuse to help Haiti's poor majority, repeatedly urged his listeners his listeners not to "neglect to give him [or her] what he [or she] deserves."[27]

"If you [nou in the original Creole—meaning either the plural form of "you" or "we"] catch a thief, if you catch a false Lavalassien [referring to the popular movement responsible for Aristide's election], if you catch someone who doesn't deserve to be there, don't neglect to give him what he deserves.

"Your tool is in your hand. Your instrument is in your hand. Your Constitution is in your hand. Don't neglect to give him what he deserves.

"Your equipment is in your hand. Your trowel is in your hand. Your pencil is in your hand. Your Constitution is in your hand. Don't neglect to give him what he deserves.

"Article 291 [of the Constitution, which bars from public office for ten years all torturers, 'zealous' Duvalierists, and embezzlers of public funds] is always on our minds. It says: No Macoutes, Macoutes!

"Don't neglect to give him what he deserves. Three days and three nights you're keeping watch in front of the National Penitentiary.[28] If someone escapes, don't neglect to give him what he deserves.

"Throughout the four corners of the country, we are watching, we are praying, we are watching, we are praying, when we catch one of them, don't neglect to give him what he deserves.

"What a beautiful tool! What a beautiful instrument! What a beautiful appliance! It's beautiful, it's beautiful, it's pretty, it looks sharp! It's fashionable, it smells good and wherever you go you want to smell it..."

The second speech often cited to demonstrate Aristide's support for Père Lebrun was made on August 4 to a large gathering of secondary-school students. In the speech, Aristide seemed to express support for Père Lebrun as a guarantee of courtroom justice. The speech was made a few days after the trial in which Roger Lafontant and his associates were found guilty of plotting against the state.

In an early July interview with Anne-Christine d'Adesky, published in "Interview" magazine,[29] Aristide had offered a rationale for his support of popular pressure on the courts:

"I expect justice, backed up by the force of the judiciary, despite its current institutionalized corruption. The people must become a force of credibility, capable of exerting legitimate pressure on the judicial system, but without threatening it, so that when the judge knows that the people are there, united, awaiting justice, the judge can feel strengthened to render justice and not succumb to the weight of money or the pressures that will come upon him."

In commencing on the July 29 incident, however, Aristide went well beyond any legitimate call for popular vigilance over the legal system. During the trial of Lafontant and his accused co-conspirations, a crowd of two thousand had gathered around the courthouse, chanting and calling for a life sentence for Lafontant. A few people carried tires on their heads. Lafontant thereafter received a life sentence, even though the Haitian legal code allows a maximum of only fifteen years for those found guilty of plotting against state security, the offense with which Lafontant was charged.[30]

On August 4, Aristide spoke with approval of the crowd's actions:

"When they spoke of 15 years inside the courthouse, according to the law," Aristide said, "outside the people began to clamor for Père Lebrun, because the anger of the people began to rise a little. That's why the verdict came out as a life sentence."[31]

The following is the pertinent remainder of that August 4 speech (Aristide's remarks are in boldface; the students' responses are in standard type):

"Was there Père Lebrun inside the courthouse?"

"No."

"Was there Père Lebrun outside the courthouse?"

"Yes."

"Did the people use Père Lebrun?"

"No."

"Did the people have the right to forget it?"

"No."

"Don't say its me who said it. Père Lebrun or a good firm bed, which is nicer?"

"Père Lebrun."

"For 24 hours in front of the courthouse, Père Lebrun became a good firm bed. The people slept on it. Its springs bounced back. They were talking inside the courthouse with the law in their hands; the people also have their own pillows. They have their little matches in their hand, they have their little gasoline not too far away. Did they use it?"

"No."

"That's because the people respect the Constitution. But does the Constitution tell the people they have a right to forget little Père Lebrun?"

"No."

"Then, when they knew inside what was going on outside, inside they had to tread carefully [literally, walk on thirteen so as not to break fourteen]."

"Fourteen is the masses of the people. The masses have their own tool, their own secret way, their own wisdom. When they spoke of fifteen years inside the courthouse, according to the law, outside the people began to clamor for Père Lebrun because the anger of the people began to rise a little. That's why the verdict came out as a life sentence.

"The people, who respect the law, who uphold the Constitution, when they heard 'life in prison' they forgot their little matches, little gasoline and little Père Lebrun.

"Did the people use Père Lebrun that day?"

"No."

"But if it hadn't gone well, wouldn't the people have used Père Lebrun?"

"Yes."

"That means that when you are in your literacy class and you are learning to write 'Père Lebrun,' you are learning to think about Père Lebrun, it's because you have to know when to use it, how to use it and where to use it.

"And you may never use it again in a state where law prevails (that's what I hope!) as long as they stop using deception and corruption. So, that's what they call real literacy!"

Speeches given by Aristide on other occasions gave very different messages. In April, in addressing members of popular organizations in the southern city of Les Cayes, the president said:

"The law is the law, which means that it is the people who have the power to organize, together with the military, and with the civilian authorities. From the moment that a Macoute makes trouble, it's not enough to talk about it. That's what we used to do, but now we are in power! If you live in the city of Cayes, gather your courage, and go to the colonel or the commander in an organized way, with discipline and respect, and say what you have seen or heard and what the danger is. Then you will see the reaction of the commander. . . . He knows that the role of the army is to reestablish order everywhere, and if the Macoutes create disorder, the Haitian army and the people, organized and disciplined, will step on the feet of the Macoutes—

"Your force will be the strongest—a force tied to legality and which must follow the law—that the country will position itself as a legal force, a democratic force.[32]

At the March 23 funeral of Fritz Dor, a Miami-based journalist and activist who was killed during a robbery, Aristide said, "This evening, we say to the zenglendos [the name given by many Haitians to violent, repressive forces], whoever they are, that we declare war on them, a war to put an end to them once and all. To declare war on the zenglendos means that we are going to use

the law to combat all the criminals . . . who block the road to democracy."[33]

It is unfortunate but understandable that Aristide's speeches in support of Père Lebrun have overshadowed other speeches in which he advocated lawful redress for abuse. In our view, it was not enough for the president to balance one speech condoning Père Lebrun with another that, without referring to Père Lebrun, suggested that the law should be respected. As the head of state ultimately responsible for upholding the law and human rights, President Aristide had a duty to refrain from any statement that could be understood to support Père Lebrun, and to speak out firmly and consistently against this barbaric practice. His failure to fulfill this duty is a serious blemish on his human rights record.

The continuing weakness of the justice system

The Aristide government during its seven months in office was able to make only limited progress in reforming the country's moribund and corrupt judiciary. The Justice Ministry's reform efforts were hampered by a high turnover in its senior posts. President Aristide first appointed as justice minister Bayard Vincent, a former Port-au-Prince public prosecutor (commissarie de gouvernement) who had won praise for his efforts in 1990 to have Roger Lafontant arrested. Vincent resigned in May 1991, saying he accepted some of the responsibility for a scandal that sent his own appointed public prosecutor, Anthony Alouidor, to prison. While Vincent was not publicly accused of wrongdoing, Prime Minister Préval implied that he had tolerated gross negligence by failing to exercise surveillance over Justice officials.[34]

Karl Auguste, legal councillor to Prime Minister Préval, became the new justice minister. On May 22, Alouidor was replaced as public prosecutor by Josue Pierre, who in turn resigned less than two months later, on July 4. No new prosecutor was named through the time of the coup. With this rotation of senior personnel in the Justice Ministry, little was done to address the deep flaws in Haiti's legal system.

Many of the continuing flaws in the judicial system were evident in the high-profile trial of Roger Lafontant. Lafontant had held several high posts under François and Jean-Claude Duvalier. As Interior Minister under Jean-Claude Duvalier he supervised the infamous Volunteers for National Security (VSN), or Tontons Macoutes. Lafontant returned to Haiti from self-imposed exile in July 1990, and set about reviving Duvalierism as a political force in Haiti. Then public prosecutor Bayard Vincent issued a warrant for Lafontant's arrest but the police declined to serve it and Lafontant paraded with increasing boldness around the country. He organized a political convention, formed a political party and declared himself a candidate for the presidency. When he was ruled off the ballot for technical reason by the electoral council, Lafontant denounced the elections as a fraud.

On January 6, 1991, Lafontant and a small band of cohorts kidnapped President Ertha Pascal Trouillot at her private residence, brought her to the National Palace in an armored vehicle and forced her to broadcast a resignation statement. Lafontant announced that he had assumed the provisional presidency of the country.

The announcement galvanized the people of Port-au-Prince to take to the streets to block the coup. The massive civilian effort to save the newly won democracy is widely credited with convincing the army to demonstrate its loyalty to the constitutional process. By mid-day on January 7, Lafontant and his band had been arrested.

The conspirators were held in the National penitentiary until their trial at the end of July. Apparently fearful of the possibility of escape, prison authorities kept Lafontant in chains for some time. All the defendants were held incommunicado during at least the first two months of their imprisonment. Lawyers who had represented Lafontant in the past declined to take the plotter's case for fear of popular retaliation. Court-appointed lawyers saw their clients for the first time only three days before the trial.

The trial was held in Port-au-Prince's Palais de Justice, with Judge Arnold Charles, the criminal court's most senior judge, presiding. Because the post of chief public prosecutor was vacant, three assistant prosecutors handled the case. The Jury deliberated for one-and-a-half hours before returning a guilty verdict against all defendants at 8:00 a.m. on July 30, capping a marathon twenty-two-hour trial. Roger Lafontant and twenty-one co-defendants were convicted of conspiring against the state for their attempted coup d'etat of January 6 and 7.

The conduct of the trial left much to be desired. The prosecution limited the questioning of witnesses, mostly soldiers, to the identification of the accused and a description of their actions in the presidential palace during the coup attempt. The information given simply rehashed what already had been widely circulated in the press. There was no attempt to explore the planning of the coup, which might have implicated high army officials. Nor was much information offered to demonstrate the responsibility of individual defendants.

One of the trial's few surprises was the motion submitted by former President Trouillot asking to be excused from testifying. She had been expected to be a key witness for the prosecution, describing her kidnapping by the defendants on January 6, but in a sworn statement Trouillot declared that testifying could imperil the civil suit she herself had filed against Lafontant. No details were ever made public about this civil suit, nor was it ever explained how testifying in the criminal case would impair any civil proceeding. The former president was not required to testify.

Lafontant and seventeen others were sentenced to life at hard labor, Haiti's maximum penalty under the 1987 Constitution. But Article 64 of Haiti's Penal Code states that the maximum sentence for plotting against the state (complot and attentat contre la surete d'etat) is fifteen years. Four of the defendants received ten-year prison sentences.

The Haitian media and political leaders widely criticized the trial. The most common reproach was that the trial failed to elicit testimony that might have implicated high-ranking military officers. Others who believe former President Trouillot herself to have been involved in the plot were disappointed that evidence of this did not emerge. Still others pointed out that the accused men had only a few days to consult with their appointed lawyers, that witnesses conferred among themselves in the courtroom, and that a circus atmosphere prevailed throughout the proceedings. The audience often interrupted the trial participants, intimidating lawyers for the accused without rebuke from the presiding judge. The trial was also often interrupted by cameras and sound-system operators under the direction of Information Minister Marie Laurence Lassègue. Twice the proceedings were suspended when crowds outside, who were watching on television monitors, lit up tires and threatened to move on the courtroom as the accused were called to testify. Justice Minister Auguste acknowledged the weakness of the work done by the investigating judge who had prepared the indictments, but said he was pleased that the government had been able to conclude the trial successfully.

Two of Lafontant's accused co-conspirators were granted a separate trial because they had challenged the charges against them in court: Marjorie Robbins, the sole woman in the case, and Serge Beaulieu, the only alleged conspirator who was not arrested at the National Palace. In September an appeals court refused to drop the charges against them.

Robbins, 34, Lafontant's secretary and press spokeswoman, argued that she was present in the palace on the night of the coup only "in a paid professional capacity." Lafontant, she said, had telephoned her and asked her in the middle of the night to come to the palace as his employee; she complied. The judge ruled on September 10 that her story was not credible.

Serge Beaulieu's case was more complicated. The authorities' failure for many weeks to make public the charges against him led the New York-based Committee to Protect Journalists to question his detention.

Beaulieu, 53, had worked as a reporter for many years but was also deeply involved in politics. He was appointed an ambassador at large by François Duvalier, and twice ran for office as a quasi-independent candidate in showcase elections sponsored by Jean-Claude Duvalier. He ran and was elected to the Chamber of Deputies in the fraudulent elections of January 1988 which carried Leslie Manigat to the presidency.

In April 1988, Beaulieu started a Port-au-Prince radio station, Radio Liberté. Most Haitians describe his broadcasts as "hate-filled" and say he fomented violence. Calling himself the "leader of the national majority," he helped kindle a short-lived Duvalierist revival in mid-1990, when Roger Lafontant returned to Haiti from abroad. Beaulieu was present at Lafontant's political convention last fall, but never formally allied himself with Lafontant and instead claimed to have created his own political party, the National Authentic Party. He recently told reporters, "Lafontant is my enemy."

On January 7, 1991, Beaulieu sought refuge in the Petionville army post when he learned that a mob was planning to attack his house. Many alleged Duvalierists were killed in the aftermath of the coup. He was then arrested by the police. It was not until several months later that he was publicly charged with being an accomplice in the coup by way of making financial contributions and inciting people to rebellion.

On September 10, in a glaring example of the judiciary's weakness, the appeals court that was considering Beaulieu's challenge to his prosecution said it was rejecting Beaulieu's appeal because the people must have had a reason for setting fire to his house after the coup. "Those who burned down his house put him in the same basket with the putchists."

Beaulieu and Robbins, together with those convicted for participating in the January coup attempt, were freed following the ouster of the Aristide government.

Few others were brought to trial during the Aristide government's seven months in power. Efforts to reform and speed up the

snail-like pace of justice in Haiti appear not to have made much difference.

Haiti's criminal code calls for ordinarily holding only two criminal-court sessions, or assizes, a year in each of Haiti's nine departmental capitals. During the most recent criminal-court session in Port-au-Prince from April 16 to 22, 1991, only four cases were on the docket, although hundreds of prisoners, jailed on various charges, were awaiting trial. Two of the scheduled cases were dismissed. Two others, both politically motivated crimes, resulted in convictions. The convictions were in the following cases:

Elysée Jean-François, the only person arrested for participating in the St. Jean Bosco killings, was found guilty and sentenced to life at forced labor, the maximum penalty.

The trial of Marc-Antoine Lacroix, accused of killing seven young people in the Martissant section of Port-au-Prince during unrest on March 10, 1990, was scheduled for April 16, 1991. When hostile spectators threatened to lynch Lacroix and attempted to wrest him from the hands of the police, the trial was rescheduled for April 22. When the defense attorney failed to appear on the 22nd, the trial was rescheduled for the July criminal court session, during which Lacroix was found guilty and sentenced to life imprisonment.

To our knowledge, there were similarly few trials in provincial courts. For example during a criminal-court session in the northern city of Port-au-Paix from July 22 to 25 1991, only four cases were tried.

Ongoing military abuse

The most serious case of human rights abuse by soldiers during President Aristide's tenure occurred in Port-au-Prince in July, when the bullet-ridden bodies of five young men—one who had been publicly executed by the police and four who had been taken into police custody—turned up in the public morgue. While the initial response by the government and police authorities encouraged expectations that the case might prove a watershed—with the truth about the incident discovered and the guilty punished—no known progress had been made in the police investigation at the time of Aristide's overthrow.

The five—brothers Stevenson and Bastien Desrosiers, who were 18 and 16 years old; Walky Louis, 19; Schiller Pierre, 16; and Jacques Nélio, 24—were killed on or shortly after the night of July 26. The police claimed that they were zenglendo bandits attempting to escape, while several of the victims' parents described their sons as the innocent victims of police murder.

Some of the facts of the case remain murky, but the testimony of several witnesses is clear about how the incident began. On the evening of July 26, in the parking lot of the Lalue Supermarket on the Route de Delmas, an argument began between four young middle-class high school students who were driving a Toyota and a group of policemen. One of the policemen, who was believed by some bystanders to be Colonel P. Cantave Neptune, the chief of the Investigations and Anti-Gang Service of the police, shot and killed the driver of the car, Stevenson Desrosiers, on the spot.

Twenty-four-year-old Jacques Nélio had just come out of the drug store across the street. Witnessing the shooting, he called out, "Abuse, abuse! You can't do that any more!" He was seized by the police and removed from the scene in a police vehicle, along with the three surviving young men, and the body of Stevenson Desrosiers.

The next day, the youths' Toyota was found, with blood-stained seats, behind the building of the Haitian-American Sugar Company, outside Port-au-Prince. Their bodies, bearing multiple bullet wounds and signs of other abuse, turned up in the morgue at the main public hospital. The parents of the Desrosiers brothers immediately denounced the killings and appealed for justice. They were quoted extensively in the media, and President Aristide met with them and expressed concern about the incident.

A police lieutenant, Richard Salomon, was arrested, and Colonel Neptune was suspended from duty, while the police announced the launching of an investigation. However, police officials, including the police chief, Colonel Pierre Chérubin, publicly contended that the five youths had been armed and dangerous, and that the killings had taken place in an effort to protect the populace from them. No witnesses to the execution of Stevenson Desrosiers or the arrest of the other young men had noted any armed resistance.

On August 8, independent Radio Metropole reported that five policemen, including Captain Neptune and Lieutenant Salomon, had appeared before the commission investigating the killings. The radio said other people, including the victims' parents, would also testify.[35]

During a day-long ceremony on September 11, 1991, marking the anniversary of the 1988 massacre at his church of St. Jean Bosco, President Aristide responded to questions about the murder of the five young men. Asked about why the investigation was taking so long, he expressed confidence in the police:

"Today or tomorrow, the results of the investigation will have to be delivered to me. And my wish, my hope, based on the information that I have, leads me to believe that there is a good chance that Lieutenant Chacha [Salomon], Captain Neptune, and Colonel Chérubin will be given the normal and legal opportunity to begin to once again lead the struggle against the zenglendo, as they led it before."[36]

The president, speaking of the logistical problems confronting the police, also intimated that a resurgence in banditry at the time was related to Neptune's suspension.

Aristide's response was rightfully criticized as an unjustified attempt to take the heat off his then-allies in the police. In fact, Captain Neptune had been credited with doing much to stem the crime wave in the country. His men, as noted above, had made numerous arrests, broken up several alleged criminal gangs, and arrested some prominent supporters of past regimes on charges of plotting against the government. But Aristide was clearly wrong to point to police accomplishments to justify an apparently clear case of police abuse.

Military resistance to civilian authority was demonstrated in a May 7 confrontation at the National Penitentiary. Monique Brisson, a practicing attorney and former legal adviser to President Aristide, went to the prison with a court order to obtain the temporary release of five inmates who were scheduled to appear before a judge.[37] She was told by a prison official, Warrant Officer Yves Perrin, that the prisoners would not be released because the prison commander was not present. Brisson, in turn, told the prison official, "It is your job to obey the orders of the Justice Ministry." The official responded that he answered to the military, not to civilians. In the argument that followed, Perrin slapped Brisson and threw her to the floor. Bloody, she was locked up in a cell for several hours.

Brisson filed a compliant against the officer but, she said, he failed to show up for five scheduled hearings, effectively blocking her legal action. Before the coup, she was optimistic that Perrin would be found guilty, but added that she had been threatened in the courtroom by people she described as military personnel in civilian clothing. Thereafter she went to court under police protection.

The army, for its part, announced in May that it had set up a commission, headed by Lieutenant Colonel Néoclès P. Arné, to investigate the incident.

In the early morning hours of March 18, after capturing an alleged criminal, Exumé Jean, residents of the Delmas 48 neighborhood notified the 22nd Company of the Delmas Military District and asked that he be arrested. Instead, a group of soldiers from the post arrested four members of the local block association: Edner Jacques, the president, and Mercidieu Cicéron, Astel Hyppolite and Dieunor Hyppolite. The officers made the four lie on the ground and then walked on them. Jacques was also beaten with a baton on this knees and hips; Dieunot Hyppolite was punched in the head and was bleeding through the ears; and Cicéron had four teeth knocked out and was bleeding through his nose and left ear.

Army officials from the military district of Lamentin, on the outskirts of Port-au-Prince, shot and wounded four people and severely beat several others during a demonstration on August 23 on Route de Carrefour. The police attacks occurred during a demonstration by some 100 members of the "Assembly of Carrefour Militants" (RMK), who had gathered to demand various governmental reforms in Carrefour. The demands included the firing of two Carrefour officials and the arrest of Carrefour's Lieutenant Guillaume, who allegedly had opened fire on pro-Aristide demonstrators on January 27. (Lamentin was also the site of a massacre following the September 30 coup, in which the army responded to the killing of one or two soldiers by a local crowd by firing randomly at pedestrians and into homes, killing an estimated forty.)

Land conflicts

Land conflicts continued to plague the fertile Artibonite region in the early months of the Aristide government. In two major conflicts, the military was not known to have played an active role, either in investigating the violence or in attempting to stop it by bringing those responsible to justice. In two other cases, the military contributed to the violence. Beginning in June, however, the Aristide government intervened actively to curtail such violence.

The two incidents in which the military played a passive role were the following:

A land conflict in Habitation Blain, in the first communal section of Petite Rivière de l'Artibonite, between the heirs of Adam Simon and Nicolas Jean-Baptiste, led to recurring violence in 1991. Rochemy Toussaint was killed on February 1 in Habitation Blain in connection with the conflict. On February 16, a group of peasants armed with machetes and guns, supporters of the heirs of Nicolas Jean-Baptiste, invaded a twenty-seven-acre plot of disputed land. Three people were gravely wounded: Fanel Silencieux, Marius Cinéus and a woman known as Anette. Twenty homes and a considerable amount of livestock were damaged. The attackers also stole one thousand dollars from the home of Mrs. Saint-Charles Cius. Jocelin Georges of Blain was killed on June 4 when the conflict flared up. On June 21, a group from Blain,

armed with guns, machetes and tear gas, entered Habitation Brizard and pillaged three hundred homes, confiscated livestock and shot and killed Dieudonné Louis. One of the Blain group, Yves Altéant, also died in the gunfire.

Three houses were burned and six people injured in a bloody confrontation on March 16 between the peasants of Upper Lakou and Lower Lakou in Latapie, in the first communal section of Grande-Saline. Lapot Philius was wounded on his left arm by a machete; Boutin Pierre and Mérité Pierre were stoned and injured in the head; and Samuel Nicolas, Exant Joseph and Saint-Jacques Noel suffered minor injuries. Two days later, on March 18, both groups of peasants went to the Ministry of Justice in Port-au-Prince to report the incident. Residents of Upper Lakou said that four people from Lower Lakou—Exant Cyprius, Geffrard Joseph, Cémoine Philistin and Dumé Noel—had started the dispute. These four were jailed, though no formal charges were brought against them, and they were released on March 28. Meanwhile, in Latapie, three residents of Lower Lakou, Vanyo, Chesnel and Esnel Noel, avenged the arrest of their fellow villagers by beating Francklin Valcin, a resident of Upper Lakou.

Soldiers intervened with unjustified violence against civilians in two other incidents:

In an episode stemming from a land conflict, a group of soldiers from the Gonaïves barracks and civilians carrying machetes, led by Second Lieutenant Renaud, marched into the Parc-Cheval neighborhood of l'Estere in the Artibonite on June 17, ransacked eleven homes and stole thirty goats and eight pigs. The following day, soldiers in l'Estere opened fire on a group of citizens who had come to the military post to discuss the incident. Dorcéus Dort was killed and Irec Stinvil, 36, was wounded and hospitalized in Deschapelles.

On July 1, four civilians and a soldier were killed in confused circumstances in the Cerca-Carvajal section of Cerca-la-Source, in the Central Plateau, in a dispute that had its roots in an argument about land use. A group of people from Cerca-Carvajal protested the June 28 arrest of Ducange Joseph and Anel Bélizaire in connection with a legal dispute over a field on which local youths played soccer. The protestors blocked roads with burning barricades and threw stones at the local military post. One soldier was stoned to death and eight were wounded. The soldiers retaliated and shot and killed four of the demonstrators and wounded six.

A wave of violence in late June led President Aristide to launch an impassioned radio appeal for an end to the killing:

"While we wait for the creation of the National Institute of Agrarian Reform and a solution . . . to these land problems, I ask each brother and each sister in the Artibonite to use their machetes to work the land and not to wound their fellow creatures. Those who have firearms, whether soldiers or civilians, should not use them to kill. . . . No one should kill over a land conflict."[38]

Also in late June, a delegation made up of Prime Minister Préval and the ministers of agriculture and justice spent several days in the Artibonite, visiting towns where there had been outbreaks of violence and conflicts over land, in an attempt to assess the problem and bring peace to the region. Such a tour was without precedent under previous governments. The ministers met with various parties to the conflicts and left soldiers in some spots to keep the peace. Perhaps as a result of these efforts, there were no major incidents of violence in the region in August and September.

* * * * *

This report was written by Anne Fuller, associate director of the National Coalition for Haitian Refugees, and edited by Kenneth Roth, deputy director of Human Rights Watch, the parent organization of Americas Watch. Fact-finding investigations were conducted by Jocelyn McCalla, NCHR's executive director; Mary Jane Camejo, an Americas Watch research associate; and Victor Cuffy, executive secretary of Caribbean Rights. Additional research assistance was provided by Ellen Zeisler, NCHR research/administrative associate.

Americas Watch and the National Coalition for Haitian Refugees have been monitoring human rights in Haiti since 1983. This is their twelfth report on Haiti, the fourth with Caribbean Rights.

Americas Watch was established in 1981 to monitor and promote observance of human rights in Latin America and the Caribbean. The chair is Peter Bell and the vice-chairs are Stephen Kass and Marina Kaufman. Its Executive Director is Juan E. Méndez; Associate Directors, Cynthia Arnson and Anne Manuel; Director of San Salvador Office, David Holiday; Representative in Santiago, Cynthia Brown; Representative in Buenos Aires, Patricia Pittman; Research Associate, Mary Jane Camejo; Associates, Clifford C. Rohde and Patricia Sinay.

Americas Watch is a division of Human Rights Watch, which also includes Africa Watch, Asia Watch, Helsinki Watch, Middle East Watch, and the Fund for Free Expression. Robert Bernstein is the chair of Human Rights Watch; Adrian DeWind is the vice-chair; Aryeh Neier, executive director; Kenneth Roth, deputy director; Holly J. Burkhalter, Washington director; Ellen Lutz, California director; Susan Osnos, press director; Jemera Rone, counsel; Joanna Weschler, Prison Project director; and Dorothy Q. Thomas, Women's Rights Project director.

The National Coalition for Haitian Refugees is composed of 47 legal, human rights, civil rights, church, labor and Haitian community organizations working together to seek justice for Haitian refugees in the United States and to monitor and promote human rights in Haiti. Its executive director is Jocelyn McCalla and its associate director is Anne Fuller.

Caribbean Rights is a coalition of human rights organizations from the Bahamas, Belize, Guyana, Haiti, Jamaica, Puerto Rico, and St. Vincent and the Grenadines, which headquarters in Barbados. Its chair is Caleb E. Morales de León, its executive secretary is Victor Cuffy, and its coordinator is Wendy Singh.

Other reports issued on human rights in Haiti include the following:

Americas Watch and the National Coalition for Haitian Refugees, In the Army's Hands: Human Rights in Haiti on the Eve of the Elections, December 1990.

Americas Watch, the National Coalition for Haitian Refugees, Caribbean Rights and the International Commission of Jurists, Reverting to Despotism: Human Rights in Haiti, March 1990.

Americas Watch and the National Coalition for Haitian Refugees, Human Rights in Haiti: One Year Under Prosper Avril, September 1989.

Americas Watch, the National Coalition for Haitian Refugees and Caribbean Rights, The More Things Change . . . Human Rights in Haiti, February 1989.

Americas Watch and the National Coalition for Haitian Refugees, Haiti: Duvalierism Since Duvalier, October 1986.

Reports on abuses against Haitians in the Dominican Republic include the following: Americas Watch, the National Coalition for Haitian Refugees and Caribbean Rights, Half-Measures: Reform, Forced Labor and the Dominican Sugar Industry, March 1991.

Americas Watch, the National Coalition for Haitian Refugees and Caribbean Rights, Harvesting Oppression: Forced Haitian Labor in the Dominican Sugar Industry, June 1990.

Americas Watch, the National Coalition for Haitian Refugees and Caribbean Rights, Haitian Sugar-Cane Cutters in the Dominican Republic, November 1989.

FOOTNOTES

[1] "Jean-Jacques le Juriste . . .." Haïti en Marche, October 23–29, 1991.

[2] Clifford Krauss, "In policy shift, U.S. criticizes Haitian on Rights Abuses," The New York Times, October 7, 1991.

[3] Transcript provided by the Embassy.

[4] It is beyond the scope of this report to discuss the achievements of the Aristide administration outside the realm of human rights. We note, however, that the progress that was made on the human rights front came despite such burdens as the Dominican government's summary expulsion of some three to five thousand "Haitians," and the resulting exodus of some sixty thousand more to Haiti. The Aristide government also devoted its energies to reducing corruption, addressing the needs of Haiti's poor and soliciting international aid to meet the country's many pressing problems.

[5] See especially "In the Army's Hands: Human Rights in Haiti on the Eve of Elections," published in December 1990 by Americas Watch and the National Coalition for Haitian Refugees; and "The More Things Change . . . Human Rights in Haiti," published in February 1989 by Americas Watch, the National Coalition for Haitian Refugees, and Caribbean Rights.

[6] "I have a dream, a dream that is in the process of being realized," said Aristide on May 14 at the Military Hospital in Port-au-Prince, after he had successfully negotiated an end to a rebellion by rank-and-file soldiers at the Petionville Barracks. "This dream is that before the end of five years, the Haitian people will recognize that the soldiers (se moun pa yo) are their people, are their brothers, that they are going forward with them to make the country more beautiful. And that the soldiers, seeing how happy the people are with this unity, will feel proud." "Témoignage d'un soldat: l'état d'esprit à la base de l'armée," Haïti Progrès, June 12–18, 1991.

[7] Père Lebrun, or Papa Lebrun, is a major retailer of automobile tires in Haiti. His television ads used to show him popping his head through one of his tires.

[8] For a more complete account of the Haitian election, see "Haiti: The Birth of a Democracy: Report of the General Elections Held in Haiti on December 16, 1990," by Caribbean Rights, the National Coalition for Haitian Refugees, Americas Watch and the Lutheran World Federation.

[9] "Un cri d'alarme lancé au Premier Ministre," Le Matin, June 11, 1991.

[10] These figures are taken from the monthly list of human rights violations in Haiti published in Haiti Insight, the bulletin of the National Coalition for Haitian Refugees. They are gleaned from several sources in Haiti. Killings for which the culprit was not known to be a soldier are presumed to be the work of civilians.

[11] "Pas d'amnistie, mais une justice égale pour tous," *Haiti en Marche*, January 2–8, 1991.

[12] "en bref," *Haiti Progrès*, March 27–April 2, 1991.

[13] Previous visits had been conducted under the governments of General Prosper Avril, General Henri Namphy and the Namphy-led National Governing Council.

[14] The practice of jailing such deportees—usually for several weeks—had begun in 1990 under the Trouillot government and apparently continued under the Aristide government. The police defend the practice as part of their fight against crime. According to information obtained in September 1991 from the Haitian Human Rights Center (CHADEL), even deportees whose only offense was entering the United States with a fraudulent visa were being detained for several days in prison for questioning upon their return to Haiti.

[15]The account of Auguste's visit to the prisons in Petionville and Croix-des-Bouquets is taken from "Visite du ministre de la justice á la prison de Petion-ville et de la Croix-des-Bouquest." Agence Haitienne de Presse, 74th Summary of National News, June 10–15, 1991.

[16]The second commission was modeled after a commission that had been decreed in October 1990 by President Trouillot but never constituted.

[17]"23 juillet 1987–23 juillet 1991: Quatre annèes après," Agence Haitienne de Presse, 80th Summary of National News, July 22–27, 1991.

[18]"Peasant Massacre Suspects Arrested in Jean Rabel," Radio Nationale, July 26, 1991, as reported in Federal Broadcast Information Service.

[19]Transcript excerpted from "Le chef de la police de Genève dément formellement la création d'une milice par Aristide," *Haiti Progrès*, October 9–15, 1991, and confirmed in an October 23, 1991 telephone interview with Marcel Vaudroz, press officer for the Geneva police.

[20]"Police Use Tear Gas to End Demonstration 13 August," Radio Galaxie, August 14, 1991, as reported in Federal Broadcast Information Service.

[21]"Government Urges Respect," Radio Metropole, August 16, 1991, as reported in Federal Broadcast Information Service.

[22]Letter to William O'Neill, Lawyers Committee for Human Rights.

[23]*Haiti en Marche*, January, 1991.

[24]"Lafontant et certains de ses complices comparaissent devant le tribunal civil," *Haiti Progrès*, January 23–29, 1991.

[25]These figures are derived primarily from the monthly bulletin, "Situation des Droits de l'Hamme en Haiti," published by the Haitian Center for Human Rights (CHADEL), the director of which, Jean-Jacques Honorat, has become prime minister of the military-sponsored government. Many of the incidents were also recorded elsewhere.

[26]As of mid-September, no progress had been reported on the case.

[27]Our translation of transcript which appeared in "Retour probable d'Aristide en Haïti," Haiti Observateur, October 2–9, 1991.

[28]A presumed reference to Roger Lafontant, who had begun to serve a life sentence in the penitentiary for attempting to overthrow the government. He was murdered two days later in his cell as the coup was beginning under circumstances that remain obscure.

[29]"Haiti: Titid! President Jean Bertrand Aristide Interviewed by Anne-christine d'Adesky," October 1991.

[30]Ironically, if Lafontant had been charged with torture or murder, which most Haitians believe he committed when he was interior minister under Jean-Claude Duvalier, he would have been eligible for the maximum sentence. Again, the legal system's failure to satisfy popular longings for justice for violent abuses of human rights seems to have fueled Haitians' tendency to take justice into their own hands.

[31]Transcript from "President Aristide Addressed Youth Rally," Radio Metropole, August 5, 1991, as reported in Federal Broadcast Information Service.

[32]"Aristide aux Cayes: rencontre aver les organisations populaires et appel á la 'bourgeosie nationaliste,'" Haiti Progrès, April 24–30, 1991.

[33]"Port-au-Prince: dernier hommage au militant Fritz Dor." Haiti Progrès, March 27–April 2, 1991.

[34]Alouidor was fired on May 17 and ultimately arrested for permitting a justice of the peace, Emmanuel Vital, to escape justice. Vital had been ordered to issue an arrest warrant for one Dieumaitre Lucas and allegedly accepted a bribe to let Lucas go.

[35]"Five soldiers appear before Military commission," Radio Metropole, August 8, 1991, as reported in Federal Broadcast Information Service.

[36]Rodrigue Louis, "Le président Aristide en larmes devant le 'Tribunal populaire,'" Haiti Observateur, September 18–25, 1991.

[37]Telephone interview with Monique Brisson on September 25, 1991.

[38]"Aristide met en garde les organisateurs de tueries pour les conflits terriens dans l'Artibonite," Le Matin, June 22–24, 1991.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Madam President, how much time remains?

The PRESIDING OFFICER. Seven and a half minutes.

Mr. DODD. I yield to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Thank you, Madam President.

Madam President, we may sometimes feel what we do here is not listened to very attentively by the people of America. But I can assure you that what we do here is listened to by people around the world, and they take what we say here seriously.

One of those places which is listening today is Haiti. What we say here is being heard by both sides. I am afraid much of what we have said in the past several days has given heart and encouragement to the worst, the most evil elements within that society.

I would like to respond to just two points in terms of setting the record straight.

One of those points has to do with the current Government of Prime Minister Robert Malval in Haiti. Robert Malval was appointed by President Aristide and confirmed by the Haitian Parliament. He is the official head of government.

I believe that the people of Haiti and the people of the international community, and particularly the United States of America, who are concerned about the future of Haiti, ought to take great heart in having a man of his ability and talent and raw courage serving in the position of Prime Minister at this time.

Under the Haitian Constitution, which is modeled after the French Government, it is the Prime Minister who has principal governmental responsibility. We have the good fortune to have as the head of the Government of Haiti at this time a person who is able to bring, by his personal example, reconciliation to the disparate groups that make up the Haitian society; a man who has spent most of his life in the business communities of Haiti; and now, because of the confidence which has been resided with him by President Aristide and the Parliament, and his ability to speak to both the economic and the political leadership of Haiti traditionally, and the emerging voice of the masses of Haiti, is providing a leadership of reconciliation which is critical to the future of that country. He is risking his life doing so.

I had dinner with Prime Minister Malval 10 days ago in Port-au-Prince. He was called away from the dinner because his wife indicated there was shooting going on in front of their home. That is the condition in which he and other members of the government are living now in order to provide some element of democratic stability to Haiti.

Rather than receiving the disparaging comments that have been made so recently about the Government of Haiti, we ought to be commending people who are standing up for the values that we would like to see shape the future of that beleaguered country.

Second, I believe that the comments that have been made about the foreign policy of President Clinton as it relates to Haiti have been grossly overstated. There has been a tendency to say the President made mistakes in Somalia; Somalia and Haiti are equal; therefore, the President must have been making the same kinds of mistakes in Haiti.

Essentially, the foreign policy that President Clinton has been following is a continuation of the policies of President Bush. Those policies had two basic assumptions. First, the restoration of the democratically elected President to his rightful role in the Haitian Government. Just as President Clinton has met with President Aristide and expressed his public support, President Bush met with President Aristide and expressed his political support for President Aristide's restoration. This is not some new development that had just occurred in a new administration.

Second, both President Bush, by his demonstrated actions from September 1991 until January of 1993, and President Clinton, by his actions since January 1993, have indicated their reticence to use United States combat troops as a means of resolving the situation in Haiti. Both have been very reticent to do so. And a premise of President Clinton's policy has been to emphasize the diplomatic initiatives that might have the potential of restoring stability and democracy to Haiti.

I commend President Clinton and those who have worked with him in order to accomplish the result of the Governors Island accord. That accord, signed in early July of this year, was not perfect. It is not exactly the accord that any one of us might have written if we had sat down at the table alone. But it represented a bringing together of the disparate groups in Haiti with a document that they would both sign and which would then receive the ratification of the international community through U.N. resolution and commitment to implementation.

President Clinton has been very clear that his goal is to see that those Governors Island accords are complied with and fully implemented. I strongly support that position.

The use of force in Haiti provided under the Governors Island accord and U.N. resolution was a benign use of force. It was not in a combat role. It was in a role of trying to deepen democracy by the slow, difficult, but necessary process of transforming the Haitian military from an institution that has been repressing the people throughout most of its history to an institution that can help the people. Therefore, we had Seabees who were going to help in giving them skills on how to build a school, how to repair a bridge; those kinds of things that our military has done for many decades to help the building of America.

We were also going to be providing training in terms of how does a military function in a democratic society. Those are valuable skills and attitudes that the United States military is peculiarly able to provide to a military such as that in Haiti.

We committed those troops under certain assumptions. Those assumptions included that there was going to be a permissive, tranquil environment and that the Haitian military would provide safety and security for our troops.

What was the President to do when he had 200 or 300 Americans and Canadians on a boat in the Port of Port-au-Prince? They could not dock, not so much because of the relative handful of hooligans who were at the port, but because the port authorities, under the control of this military regime and its thugs, would not move the ship which was at the dock occupying the only space that the U.S.S. *Harlan County* could utilize for purposes of disembarking its troops and equipment. That was why the ship did not land, not because of the handful of hooligans, but because the military in control of the port had made it impossible for the ship to land.

I think the President exercised very good judgment in making the decision that we were not going to put our troops in harm's way when the commitment that had been made by the Haitian military of a tranquil environment and security were not being complied with.

So, Madam President, I believe that the charges that have been made against the Government of Haiti—the democratic government, and particularly the leadership of Prime Minister Malval—and those charges that attempt to analogize Somalia to Haiti and therefore cast aspersions on the President's foreign policy and his capacity to implement it are misplaced.

Finally, Madam President, we need to be very careful about what we say here. I fear that some of the comments, particularly the hot rhetoric directed at President Aristide, is creating not only a false picture, but is creating a sense of encouragement to the most evil forces in Haiti.

We have heard a lot about the allegations that President Aristide was involved in various actions. What we have not heard very much of is the absolute, uncontroverted fact that the military regime, within the last several weeks, has gone into a church, the Church of the Sacrecoeur, in Port-au-Prince and pulled from the service one of its opponents and a supporter of President Aristide, dragged him through the center aisle of the church out into the street and then fired a bullet through his ear. That is the kind of government we are giving encouragement to by this misshapened debate that focuses on a few alleged events that may or may not have occurred, may or may not have had the context that is suggested relative to President Aristide.

We are also discouraging our friends in Haiti. There are people who have and are today putting their lives on the line based on the representations the international community has made that we will support a restoration of democracy in that country.

Today's Washington Post carries an article about discouragement, particularly in the rural areas, which are the areas that are largely out of the vision of the international press, the international community, where the civil rights and human rights abuses are at their grossest; that there is discouragement now as to whether they can put faith in the statements and the hope for the future that we have helped create.

So, Madam President, I hope that these remarks have contributed to some balance in our understanding of what the reality is in that country of Haiti, our near neighbor, and will help give some hope to our friends of democracy that their courage and their commitment to their country and what they are saying about democracy throughout the Western Hemisphere of the world has not gone unheard in this Chamber and in this Nation.

Thank you, Madam President.

The PRESIDING OFFICER (Mr. ROBB). Who yields time?

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER. The time controlled by the majority leader is 17 seconds and counting.

Mr. DODD. How much time is controlled by the Senator from North Carolina?

The PRESIDING OFFICER. The Senator from North Carolina has 15 minutes. The Republican leader has 4 minutes.

The time controlled by the majority leader has now expired.

Mr. DODD. Mr. President, I think the Senator from North Carolina probably ought to take his time.

I will note the absence of a quorum and have the time run against the time of the Senator from North Carolina, since there is no time remaining for this side.

Here he is.

Mr. HELMS. I object.

The PRESIDING OFFICER. If no one yields time, the time remaining is reserved for the Senator from North Carolina and for the Republican leader.

Who yields time?

The Chair recognizes the Senator from North Carolina, Senator HELMS.

Mr. HELMS. I thank the Chair and ask the Chair to notify me when I have consumed 6 minutes of my remaining time.

The PRESIDING OFFICER. When the Senator has 6 minutes remaining or has used 6 minutes?

Mr. HELMS. When I have used 6 minutes of my remaining time.

The PRESIDING OFFICER. The Chair will notify the Senator.

Mr. HELMS. Very well. I think we had better revisit the meeting that went on on the fourth floor of the Capitol yesterday afternoon. The majority leader and the Republican leader, Mr. MITCHELL and Mr. DOLE respectively, did a commendable thing as I said earlier, when they decided to invite the CIA—and when the two leaders of the Senate invite somebody, that is a command performance—to send knowledgeable experts on Haiti and Mr. Aristide.

Mr. Aristide was down in S. 116 in a love-in with the Senators who support him and say that he represents democracy in Haiti. They want to see democracy restored to Haiti with this man, who is one of the most brutal people to hold office in this hemisphere in my lifetime. He danced all around the truth, I am told, in his meeting with the Senators, who got out in front of newspaper cameras. And they were smiling and he was smiling because he had conned them and he had conned the major news media of this country. He said that he did not have the painting on the wall. Somebody bring me the painting. This is the painting that advocates necklacing. He said, or at least was quoted as saying, that he did not have any such painting on his wall.

I have just talked by telephone with a man in Haiti who has the painting, the man who took it off of Aristide's wall.

Aristide said yesterday that he did not know anything about the painting. I just happen to have here a photograph of Aristide holding a photograph of that painting.

Mr. COATS. Will my friend from North Carolina yield at this time for a question?

Mr. HELMS. Yes, sir.

Mr. COATS. I was one of the Senators who went to that meeting, but no one was there. I was in a defense authorization conference and was handed a note the administration was sending some people up at 5:15. I could not get out of my conference until 5:50, 35 minutes past the time when the administration people were supposed to be there. I went up to the fourth floor. No one was there. They said, "Senator we do not know—no one has shown up yet."

I thought it was just going to be a repeat of what the administration usually does when they are called up here, that is they are usually half an hour to an hour late, if they show up at all and, second, when they do show, you get so much mush and mishmash it is not worth going, so I just left. That is probably why some Senators were not there.

Mr. HELMS. I know the Senator would have been there if he could. But I also know Senators who were not as

involved as the Senator was—yesterday afternoon.

Mr. COATS. I think in fairness there probably were Senators who showed up, realized no one was there——

Mr. HELMS. I have been told several times by the leadership, "You ought to have known about that. It was hotlined." But the Senator from Indiana has a good excuse.

The point I am making is that the real issue is passing like a ship in the night. Some say that the issue is not Aristide.

The heck it is not. What is fundamentally being proposed is to use U.S. troops to put this man back in power. Nobody denies that. They have even boasted about it.

So the fundamental question is how many lives of how many soldiers and sailors are Senators willing to put at risk because of the situation in Haiti?

The PRESIDING OFFICER. The 6 minutes the Senator asked to be reminded of have expired.

Mr. HELMS. I thank the Chair. Let me proceed for 2 more minutes, and then hit the gavel again please, Mr. President.

The PRESIDING OFFICER. The Chair will remind the Senator when 2 additional minutes have expired.

Mr. HELMS. Here are the questions I was going to ask the CIA yesterday. I did not have to ask one of them because in the review of the situation they covered all of the material and they verified every scintilla of what I said yesterday—including the charts.

I proposed to ask the CIA if Aristide incited mob violence and encouraged necklacing when he was in power. They said yes and they went into detail.

I was going to ask, do you have knowledge that Aristide ordered the murder of his political rival, Roger LaFontant? They answered that in the affirmative in the course of their report.

I proposed to ask if Aristide returns to power, is it the CIA's belief that violence would increase or decrease? They said increase.

I was going to ask, in your judgment can Aristide be trusted to keep his word on amnesty? They said not in our opinion.

I was going to ask, to your knowledge, has Aristide ever agreed to renounce the use of violence? They said no.

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

The PRESIDING OFFICER. The Senator's time is reserved. Who yields time?

The Chair recognizes the majority leader, Senator MITCHELL.

Mr. MITCHELL. Mr. President, I yield, with the permission of the Republican leader, the 4 minutes remaining there and 1 minute of my leader time, for a total of 5 minutes, to Senator DODD.

The PRESIDING OFFICER. The Senator from Connecticut, Senator DODD, is recognized for up to 5 minutes, 4 minutes to be charged against the Republican leader, 1 minute charged against the majority leader's time.

Mr. DODD. Mr. President, I thank the majority leader and the minority leader for their time.

I just want to, No. 1, commend the Senator from Kansas for this alternative amendment. It is not exactly everything I would embrace but it certainly is vastly superior to what is being proposed by the Senator from North Carolina. I do commend as well the majority leader for his efforts in putting together a far more responsible approach to these issues.

Let me begin by saying no Senator, no American, desires or is anxious to see any American sent anywhere unnecessarily in this world, and particularly to places that are so trouble-ridden, as is Haiti. I do not believe the President of the United States has any desire whatsoever to send American troops to Haiti or anywhere else, for that matter, and to put them in harm's way unnecessarily.

What we are talking about here is whether or not the options of an American President ought to be so curtailed as to deprive him of options that may become necessary. The Helms amendment, if adopted, would do just that. So on that basis alone, putting aside one's particular favorite candidate in Haiti or elsewhere, it ought to be soundly rejected and the Dole-Mitchell alternative ought to be strongly supported.

Our colleague from Florida, Senator GRAHAM, said something very important here this morning. He said what we say here is being watched and listened to all over the world. I guarantee my colleagues, the vote we are about to take on Haiti will be watched very, very carefully within that country.

There is no doubt in my mind, and I say this with all due respect to the senior Senator from North Carolina, if his amendment is adopted, that amendment sends a clear signal to General Cedras and to the head of the police in Haiti, Mr. Francois, that they can continue what they are doing. They can stay on track. If they were in this Chamber, they would support the Helms amendment. That is what side they would come out on.

I urge my colleagues to reject that approach. This is not a debate about whether or not we particularly like the psychological profile of an individual head of state someplace. In fact, I am somewhat uneasy about the Central Intelligence Agency getting into the business of psychological profiles. I think that is dangerous business, quite candidly. I urge my colleagues to examine the record a bit further than just the last few months, and they may find some revealing information.

I will tell you, I think President Aristide is a good person. He was elected overwhelmingly by the people of his country—70 percent. I am not going to endorse every statement he has made, every action he has taken. This is a different country; it is a different culture; there is a different style here.

All I know is, by every account, he was overwhelmingly elected in the freest election that country has ever held. Whether or not we particularly like him, or we would have voted with him, or we agree with his politics, ought not to be the business of this body. The question is whether or not we believe that having a democratic government in Haiti is in our interest, or is it in our interest to continue to support, inadvertently, if you will, the present holders of power in Haiti?

What do we know about them? We know this much: As long as they have been in power, 40,000 Haitians have left Haitian shores and sought refuge in this country. If they continue in power, we can expect similar waves of humanity to come to our shores. That is a guarantee.

Second, we know that these people have now made Haiti a major transit point for illegal trafficking in narcotics. I guarantee you that if they stay in power, General Cedras and the thugs around him will continue in that business. They are accumulating vast fortunes of wealth. There will be a continuation of the problem.

You can look at the continuation of slaughter that has occurred in that country, including individuals like the ones that the Senator from Florida has identified who were dragged out of churches, and others shot indiscriminately by police and their supporters in the streets of Port-au-Prince.

I urge my colleagues to reject the Helms amendment and to send a strong signal. Our colleague from North Carolina historically has been on the side of those who try to oppose democracy, whether it was in Chile with General Pinochet, Roberto D'Aubuisson in El Salvador, the forces in power in South Africa—if you want to be on that side of history, then fine. I think we ought to be on the side of democracy.

Defeat the Helms amendment; support the Dole-Mitchell alternative.

The PRESIDING OFFICER. All time under the unanimous-consent agreement has expired except the 6 minutes and 49 seconds under the control of the Senator from North Carolina.

Who yields time? The minority leader.

Mr. DOLE. Was leader time reserved?

The PRESIDING OFFICER. All leader time was reserved and all time of the Republican leader is available.

Mr. HELMS. Mr. President, how much time remains?

The PRESIDING OFFICER. Six minutes and 44 seconds.

Mr. HELMS. I yield back the time so we can get to a vote pretty quickly. I hope the leadership will be brief, too.

The PRESIDING OFFICER. The Senator's time is yielded back. All time under the original order is yielded back. Is there further debate?

The Republican leader is recognized.

Mr. DOLE. Mr. President, I thank the Senator from North Carolina.

No doubt about it, this debate is very important. No doubt about it, the President understands its importance, and there have been some changes made. No question about it, there is a strong, strong message from the Congress before the fact, not after the fact. I think that is the point at least this Senator has been trying to make: We ought to speak before the fact and not after the fact and then go back and criticize somebody after it has already happened. They will say, "Well, where was Congress?" We were somewhere.

That is the purpose of this amendment, as I see it. The majority leader may see it a bit differently. It seems to me we need to put out a marker; Congress needs to speak with one voice.

President Clinton properly believes that any infringement on executive authority is wrong. That is the same view expressed by former President Bush in a statement he issued this morning because somebody got it all wrong in a meeting we had with President Bush yesterday. He came by and said the two leaders were doing a good job, and somebody interpreted that to mean he was taking a stand on infringing on Presidential authority. That is not true.

The President and former Presidents all agree, they do not want any infringement on their authority, but the Constitution is different. The Constitution also gives the Congress power to declare war, issue letters of marque and reprisal, the power of the purse, appropriate money as we do for United Nations, NATO, military operations all around the world.

So it seems to me there is a difference, a fundamental difference as to how the executive views it and how the legislative branch views it.

What we have proposed to do, what we hope we have done in the amendment that is now the Dole-Mitchell amendment, is to find a balance so the Congress is on record, as I said, before the fact, before the body bags are counted, before the caskets come home, before we have the bad news about a tragic loss of one American life in Haiti, before there are any troops deployed.

I also believe, as pointed out by both Senators from Florida, that there is a national interest at stake. We do have a national interest in Haiti because if enough is done to stir up the problems in that country and people start fleeing Haiti again, they are going to end up primarily in Florida, and Florida will very properly ask that they be distributed across America.

We have to have empathy for the poor people in Haiti. They do not have any leadership. They have thugs and killers. I do not get too excited about Aristide either. I must say, I was one of those who went up to S-407. I believe if everybody had been there, we might have had a much different debate this morning.

I am not going to characterize what happened. I am just going to say it was very disturbing information. I talked with one Senator on the way out. I said, "I have been coming up here I don't know how many years. I never heard anything I had not read earlier in some newspaper until today."

So I think it ought to be made very clear—and I congratulate the Senator from North Carolina for at least alerting us to some of the facts about Jean-Bertrand Aristide. There is a national interest, and I share the views of my colleagues from Florida in that area.

We have had a lot of conversions around here on Presidential flexibility. They have really been fast. In the last few days, people have been converting all over the place.

We had all kinds of restrictions on El Salvador and Nicaragua. In fact, these are the restrictions we placed on those two countries in just 4 years. I do not think I voted for any of them, but they all passed. I could not lift the 8-year package, but this is 4 years.

So when we talk about restrictions and a lot of those things, it has been there for a long time. This Senator understands that.

I also understand you have to be consistent around here—sometimes it is difficult—and sometimes we are not. But I remember back in November 1990 when the gulf crisis was heating up, I said in an interview that the President ought to come—that was President Bush—to Congress and get our approval. He did it later and it paid off.

We had a very good debate in this Chamber. Some were for it, some were against it. We had a very good debate, but it was very obvious to me once the Congress spoke and once we gave that authority, the American people coalesced behind the effort in a much stronger way than had the President gone it alone.

I hope that President Clinton would go back and take a look at that debate and take a look at what happened after that debate, analyze the American attitudes after that debate, and see how positive they were. Still some people were opposed to it; some people were telling us in this Chamber that sanctions would work in Iraq. We still have sanctions. They have not worked yet.

So President Bush was right. The majority in Congress was right. We did the right thing. We want to do the right thing from now on, whether it is in Haiti, in Bosnia, in Somalia. It seems to me that the President needs the flexibility but we also need to be heard before the fact—before the fact. We do not need more debates after we have a tragic circumstance where 18 Americans are killed in Somalia. We do not need debates where we have to decide, well, now that we have had losses, we are going to bring the troops home today or tomorrow or next week.

I am also reminded of the Boland amendment which passed in 1982. That prohibited funds and tied the President's hands far tighter than anything I have proposed. As I have said, I have had this 4 fiscal years' encyclopedia prepared by the Congressional Research Service of legislative restrictions, all these things we have had in the past.

So, I do not want somebody to suggest they are wrong. In fact, even some of the liberal newspapers that have been fussing about what we are attempting to do never raised a voice when we tried to tie the hands of the President in those days.

But the point is this is a very important amendment. I certainly welcome the support we are going to have, the broad bipartisan support.

Let me repeat, without making any allegation, it is fair to say that what we were told up in S-407 yesterday was very disturbing, very disturbing, to Democrats and to Republicans. They were not fabrications that I read this morning. They were the best judgment of the intelligence community based on some very hard evidence—on evidence. So they should not be dismissed or glossed over in the debate in our policy toward Haiti.

It seems to me that we have an opportunity here now to help the President of the United States. I view it that way. Let the President know in advance that there will be strong opposition from Congress if force is used to put Aristide back in power. I hope that is not what some people are voting for today.

Restoring democracy in Haiti is a great idea. They have never had it. Again, I empathize with the poor people of Haiti, the poorest country in this hemisphere. There is a lot we need to do in the United States. We do need to uphold the Governors Island accord. We are prepared to do that. So it suggests to me we are on the right track.

Let me say that I do not agree with Senator HELMS' amendment. It goes further than even my first amendment did, than my amendment did initially, because of the additional exceptions. But I am going to vote for the Helms amendment just as a protest to some of the things I have heard about Jean-Bertrand Aristide. I think Senator HELMS' amendment goes too far; I think it does tie the President's hands. But I do not know any other way to protest. The amendment will not pass, but I am going to vote for it—nobody else has to—because I really believe we have a problem we are going to have to deal with sooner or later. We have to balance the value of Aristide, if there

is any value, with the national interest of a flood of refugees coming to America, primarily south Florida. It seems we do that in our amendment, we do that in the Dole-Mitchell amendment. It is my view that is the amendment which should finally be adopted, and I hope it has broad bipartisan support.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator's time is yielded back.

Mr. NUNN. Mr. President, I applaud the administration's effort to bring some form of democratic governance to Haiti. I also condemn Haitian military authorities for reneging on the Governors Island Agreement. The Haitian people deserve more than a perpetuation of tyranny and terror.

Having said this, Mr. President, I must also say that I am somewhat perplexed by our policy toward Haiti—or more specifically, the apparent assumptions upon which the policy rests. There is, first, the assumption that we and selected other democratic U.N. members can, with the help of deposed President Jean-Bertrand Aristide, create in Haiti a functioning democracy with a professional, politically obedient army, and a constabulary dedicated to protecting the country's citizens. This is a noble goal, to be sure, and one enshrined in the Governors Island Agreement. But it will not be easy to bring democracy to a destitute and largely illiterate population that for two centuries has been terrorized by anarchy, brutal tyrants, and a corrupt police. To a country that lacks established political parties, a real legislature, and an independent judiciary.

Mr. President, perhaps not all of my colleagues know that the United States military occupied and administered Haiti continuously for 19 years—from 1915 to 1934—with little lasting effect on Haiti's political traditions of autocracy, anarchy, and intimidation. During that 19-year period, we established law and order, administered government, built roads, introduced telephones and the telegraph, refurbished hospitals and schools, and tried to upgrade the standard of living. I do not know what the United Nations and the State Department expect to accomplish in Haiti in 6 to 12 months.

There is a second apparent policy assumption—or at least there was, until gunmen showed up on the Port-au-Prince docks last week to deter the United States warship *Harlan County* from disembarking over 200 American and Canadian personnel on behalf of the United Nations national-building mission. The administration apparently assumed that, somehow, those with a vested interest in Haiti's existing political order, like army commander Raoul Cedras and coup leader Michel Francois, would actually cooperate in implementing a U.N.-sponsored plan that would in effect remove them from political power. Yes, there was a Governors Island Agreement earlier this year. But the signatures of men like Cedras and Francois proved to be of little worth. Our policy appeared to rest on assumptions that: First, those who overthrew Aristide 2 years ago would voluntarily permit him to return and reassume his old job as president; second, a venal and untrained Haitian constabulary would meekly submit to reform by outsiders; and third, a highly politicized army would bow to externally imposed professionalization.

Even more questionable, Mr. President, were the apparent rules of engagement that would have governed United States military personnel in Haiti had the U.N. operation actually come off. United States military personnel were to be sent to Haiti under U.N. auspices, not as peacekeepers, but as trainers and infrastructure rebuilders. Since they were going not as peacekeepers but as trainers of the Haitian military and police and as engineers and construction personnel tasked with rebuilding Haiti's decrepit infrastructure, they were to be armed with only their personal weapons—9-millimeter pistols and M-16 rifles—and were directed not to use those weapons except in their immediate self-defense. Indeed, the entire operation was predicated on a completely permissive environment, with public declarations in advance that the operation at whatever stage would be immediately terminated in the event that environment changed for the worse. Was it wise to do this? Is it prudent to send lightly armed United States troops to Haiti for benign purposes and declare in advance that they will leave if shot at?

Mr. President, did these highly publicized rules of engagement doom the operation from the start? Did they not in effect tell all Haitians who opposed U.N. intervention that, all you have to do to torpedo U.N. intervention is simply fire a shot or two at disembarking U.N. personnel—or better yet, fire a shot or two in the air as the *Harlan County* approaches Port-au-Prince?

Finally, Mr. President, there is the issue of United States interests in Haiti and the use of force to protect those interests. What are United States interests in Haiti? Do we have traditional national security interests in that country? Does a general interest in the promotion of democracy abroad justify placing our military forces at risk on behalf of democracy in Haiti? Indeed, what is the evidence that President Aristide will uphold democratic principles of governance once in power? Does the fact that he was democratically elected mean he is a democrat with a little "d"—and will not revert to the undemocratic practices he demonstrated when he was in power? Was not the dreaded "Papa Doc" Duvalier dramatically elected in 1957? Is it true that President Aristide, when in power, publicly incited his followers to violence, including the so-called necklacing of opponents?

As I see it, Mr. President, we do have an important though hardly a vital interest in curbing the flow of Haitian refugees to the United States. The administration hopes—as I do—that the embargo will force Haitian political authorities to return to the Governors Island accord and its implementation. But if it does not, what are we to do? The administration has made it plain that it is prepared to use force to protect American lives in Haiti, should Americans there face imminent danger. I agree that this would have to be done. I believe, however, that we should think through several questions before we use force to restore Aristide to power. First, what effect would such a use of force have on President Aristide's subsequent political legitimacy both at home and abroad? Second, could we use force to topple the present regime in Haiti without inflicting collateral and unwanted civilian casualties of a magnitude that would be politically self-defeating in the long run? Third, would we confine military operations to Port-au-Prince area or seek to occupy the entire country? Fourth, how long would we be prepared to stay in Haiti to ensure the preservation of democracy? Are there other countries under the U.N. mandate that would take our place?

In other words, Mr. President, a use of United States power in Haiti could probably readily accomplish short-term objectives, but the President and his advisers must also think through the long-term consequences.

Mr. President, the Dole-Mitchell amendment sets the framework for the assessments that the administration must make before deploying U.S. forces to Haiti. Many of the questions I have posed here are raised directly by the amendment. I am confident that the President and his senior advisers will answer these and other questions, and will consult closely with the Congress before making final decisions on the use of the United States military in Haiti.

The proper role of the Congress, as I see it, at least in the case of Haiti, is to ensure that the administration consults closely with the Congress before deploying forces to that unfortunate country, except deployments that are required on an emergency basis to protect Americans in imminent danger. It is only through such consultations that a consensus can be built among the President, the Congress, and the American people.

Mr. MURKOWSKI. Mr. President, I intend to vote with Senator HELMS on his amendment because it guarantees that the United States Government can protect and evacuate United States citizens in Haiti if they are in danger,

but it stands for the proposition that we should not use United States forces to prop up the government led by Jean-Bertrand Aristide unless and until Congress considers the question and specifically authorizes any such United States military operations. While I have reservations concerning the precedents this amendment sets in relation to the authority of the President as Commander in Chief of the Armed Forces, nevertheless, the harmful effect of using U.S. forces to forcibly establish the questionable Aristide government cannot be ignored.

We should not use U.S. troops, and endanger U.S. servicemen, to help establish the Aristide government until and unless we have a clear mission that has been articulated to the Congress and the American people. That process should take place between the President and Congress naturally. The Helms amendment ensures that it will, and therefore, I support it.

EXPLANATION OF VOTES ON MILITARY INTERVENTION

Mr. DOMENICI. Mr. President, the votes this morning on United States military intervention in Haiti are the fourth and fifth votes we will be taking on related subjects during consideration of this appropriation bill. I want to share with the people of New Mexico some of the considerations that went into my votes on deployments of United States troops abroad.

Like many of my colleagues on this side of the aisle, I have long opposed excessive congressional restrictions on any President's role in carrying out U.S. foreign policy. In the matter of deploying U.S. troops abroad, Congress and the President have a special responsibility to work together. We owe that much to our men and women in uniform whose lives are put at risk when such deployments occur.

SOMALIA POLICY

Last Thursday I voted against the McCain amendment No. 1043 to prohibit the use of funds for United States military operations in Somalia.

In my view, the objectives of the McCain amendment had merit. By the time the Senate voted, it was clear that the President had realized his errors in Somalia, and was going to end the United States combat role there.

When American troops are already deployed and under orders from the President to withdraw by a date certain, as in the case of Somalia, I saw no reason to add to the risks involved by ordering the President to do more quickly what he had already agreed to do.

Last Thursday, I voted in favor of the Byrd amendment No. 1042 to provide funding for the involvement of the United States Armed Forces in Somalia through March 31, 1994.

The Byrd amendment explicitly deleted two of the President's four goals regarding Somalia. It dropped all references to putting pressure on clan leaders in Somalia.

In my view, the Byrd amendment was less ambiguous than the McCain amendment. It allows for an orderly withdrawal of American troops from Somalia, and gives other NATO nations an opportunity to take up the American role if they wish to.

UNITED NATIONS PEACEKEEPING

On October 19, I supported the amendment of Senators NICKLES and COCHRAN that would have prohibited the use of funds to support U.S. Armed Forces in certain international operations.

As ranking Republican on the Budget Committee, and on the Appropriations Subcommittee that provides funding for the State Department, I know first hand the monetary costs of the rapid expansion of United Nations peacekeeping forces.

Recent events in Somalia remind us that American troops can and do suffer deaths and casualties when directed by United Nations peacekeeping officials. It is essential that we take into account both the human and fiscal consequences of American involvement with United Nations peacekeeping before and not after our Ambassador in New York supports additional peacekeeping efforts.

The President would be better served if his administration worked more closely with the appropriate Members of Congress before it agrees to establish or expand U.N. peacekeeping forces. That has not been the case thus far, as I have reminded the Secretary of State in a recent letter.

The Nickles-Cochran amendment did not restrict the President's authority. It had many escape clauses in the event that the President had to act in an emergency.

I voted for the Nickles-Cochran amendment as an interim measure. The massive policy problems related to American involvement in U.N. peacekeeping need to be settled in a regular statute, not in an appropriations bill. Until we can do so, in cooperation with the Foreign Relations and Armed Services Committees, the Nickles amendment would have directed the President to be more alert to the consequences of hasty commitments.

HAITI AND PRESIDENT ARISTIDE

Today I will vote for both the Helms and the Dole-Mitchell amendments regarding American troop deployments in Haiti.

In my view, the Helms amendment is overly restrictive, but makes much more clear than the Dole-Mitchell compromise, that this Congress has little confidence in the efforts to restore President Aristide to office, and opposes using American troops to do so.

President Aristide is no hero of democracy. There are many disturbing reports about his character that were discussed in detail yesterday in a closed briefing by the executive branch. What I heard at that briefing is the main reason why I am supporting the Helms amendment.

Haiti is not a nation with any tradition of democracy. The intractable situation down there was not affected by an 18-year U.S. occupation by marines earlier this century. The intractable situation in Haiti will not be improved by sending United States troops to Haiti on a mission likely to fail.

My vote for the Helms amendment is the best opportunity I have to register my doubts about the wisdom of our policy of unquestioning support of President Aristide, and the possibility of restoring him to absolute power through the use of U.S. armed forces.

President Aristide was the elected choice of Haiti's people, and he deserves, for that reason, as much support as other elected foreign leaders customarily get from the United States, and no more than that.

This country is not, in the late 20th century, in the habit of restoring deposed leaders by force. That used to be called colonialism by some on the other side of this issue.

As the Senate is not likely to support the Helms amendment, I intend to support the next-best approach, which is the amendment I originally cosponsored with my leader, Senator DOLE. The Dole-Mitchell amendment does not tie the President's hands, but it clearly expresses the Senate's reluctance to support United States military intervention in the single instance of Haiti under President Aristide.

INTERVENTION IN HAITI

Mr. BYRD. Mr. President, I oppose the amendment offered by Senators DOLE and MITCHELL because I find it unnecessary and confusing. The fact that the amendment expresses the sense of the Congress does not somehow make unacceptable language suddenly acceptable. This amendment is inconsistent in that it provides the President with such wide-ranging waiver authority as to frustrate any real effect that the limitation on the obligation of funds might otherwise impose. First, it is certainly not necessary for Congress to provide the President with authority to use U.S. military power to evacuate American citizens. This power falls well within the President's inherent powers as Commander in Chief in an emergency situation. No one would want the President to hesitate to evacuate Americans in an emergency in order to seek congressional approval. We would expect him to act expeditiously, with as much force as necessary, to accomplish such an evacuation as safely as possible. Surely, this is the case in Haiti.

Section b(3), giving the President a waiver for vital national security interests, seems to fall within the same category. If there is not time to seek congressional authorization and it is in

our national security interest for the President to act immediately, he would have a strong case, depending on the circumstances, to act without first seeking congressional authorization, again within his inherent or implied powers as Commander in Chief.

As to the final exemption from the limitation on funding contained in the amendment, with one exception, it establishes such wide-ranging criteria as to permit the President to report that he has satisfied his own criteria for action. Surely, he could and would do so! The one exception, section c(2), requires that the deployment "will be undertaken only after necessary steps have been taken to ensure the safety and security of U.S. Armed Forces, including steps to ensure that U.S. Armed Forces will not become targets." This standard appears impossible to attain. A close reading of it seems to require an assurance that could not be met. My reaction to the language is that it does not really achieve any specific result. This section sets out a list of standards that either have no effect on the President's ability to act, or are virtually impossible for him to achieve. It does little to clarify either executive branch powers or congressional powers in the exercise of military force.

We do have a problem in that the War Powers Act, which is supposed to govern Presidential-congressional relations in deploying and maintaining U.S. military forces in situations of hostilities abroad, does not work, and never really has been effective. But the amendment does not appear to me to be helpful to either the specific situation in Haiti, or to the overall discussion of Presidential and congressional responsibilities in the use of force in a different but still dangerous kind of world.

Finally, Mr. President, this amendment and the amendment offered by Senator HELMS, both put the cart well ahead of the horse. President Clinton has defined a very narrow, noncombat mission for United States forces in Haiti. The forces he pledged in support of the U.N. mission to Haiti were to conduct engineering, logistics, and training functions, and not to engage in combat. In briefings before the Senate Armed Services Committee, administration officials made it clear that the United States troops would not go into Haiti if the situation was unsafe, and that, if violence ensued, the troops would be withdrawn. Some may argue that this policy made it too easy for antireform forces in Haiti to disrupt the U.N. mission. But we should remember that this was to be a classic peacekeeping operation based on the Governor's Island accords and agreed to by all parties. Neither the President nor the U.N. Security Council had any intention of using force to implement those accords. So, if the proponents of this amendment are concerned that the President intended to involve the United States in a military conflict in Haiti without the support of the Congress, then they clearly misunderstood his policy.

If, however, the President's policy changes, and he decides to use military force to achieve a settlement in Haiti, then I would expect him to fully consult with the Congress, and Congress could take whatever action that appeared to be necessary or advisable under the circumstances. That is how the system should work. The Congress should not get in the habit of trying to guess what the President might do and then launching a preemptive strike. Recent Senate action on Haiti and Somalia represent opposite ends of the spectrum of timely congressional involvement. In the case of Somalia, we neglected for months our responsibility to debate and act on the President's policy. It took the tragic death of 18 American soldiers to prompt us to action. Now with these two amendments—even though one is a sense-of-the-Congress instrument—we are rushing to restrict the President's options while the situation in Haiti is still evolving and before the President has fully decided on how he will respond to the crisis.

In my view, the constitutional Framers designed a careful balance between the respective roles of the executive and congressional branches in the conduct of foreign policy. I believe that it is difficult to improve upon the Constitution, and that, perhaps, we should not try. We can always require the Executive to put these matters before the Congress for a vote, or indeed, Congress is free to debate and vote on its own. We can always use the power of the purse in the way that the Framers intended, as we have just done in the case of Somalia. But to try in advance to prohibit funds, and then to write so many waivers into the prohibition that the President can do virtually anything he pleases, may actually weaken the legislative branch's prerogatives, while providing little in the way of legislative guidance or intent for the President to consider in his role as Commander in Chief.

The PRESIDING OFFICER. The Chair recognizes the majority leader, Senator MITCHELL.

Mr. MITCHELL. Mr. President, the debate has covered the details of policy with respect to Haiti, and I will make no effort to repeat that part of the debate. Rather, I would like to ask Senators to focus, as we rarely do, on the broader legal and constitutional implications of the votes we are about to cast.

We will cast votes on two amendments which present a very clear and dramatically different way of dealing with this problem. The first vote will be on the amendment by the Senator from North Carolina which would prohibit funds from being obligated or expended for the Armed Forces of the United States to conduct operations in Haiti. This is before any such actions have occurred.

The second vote, on the Dole-Mitchell amendment, will not include a legally binding restraint on the President but, rather, will be in the nature of a sense-of-the-Congress resolution expressing the opinion of Congress to the President as to the course of action which should be followed.

Mr. President, I ask all Members of the Senate to be aware of the fact that, according to the Congressional Research Service, there has never been enacted into law a funding prohibition on the deployment of U.S. forces to a particular geographic area overseas.

I repeat, according to the Congressional Research Service, there has never been enacted into law a funding prohibition on the deployment of U.S. forces to a particular geographic area overseas.

So any Senator who votes for the Helms amendment is voting to do something which has never occurred in American history so far as the Congressional Research Service can find. It represents a dramatic alteration of the constitutional division of authority between the President and the Congress.

If any Senator now feels we should take this action, that Senator is going on record in the most tangible possible way that the powers of the President should be restricted in a way that has never before occurred and invites, directly invites, comparable action on a repeated basis in future crises.

This is a precedent-setting vote. No one should be under any illusion about that. It goes far beyond Haiti. It goes far beyond the events of the moment. The alternative, which is in the nature of a sense-of-the-Congress resolution, is precisely consistent with past practice. It has been a regular course of action for this Senate and the House and the two bodies combined to express their views on crises confronting this country—indeed, on crises confronting many other countries. In fact, there is scarcely a country in the world that has not been the recipient of advice from the U.S. Congress, and there is hardly a crisis which has occurred anywhere in the world in recent years that has not been the subject of a resolution in the Congress.

That does not diminish the significance of what we are about to do. Although the resolution is plainly not legally binding on the President, it does and should carry weight with the President because it will represent the considered judgment of the Congress. It is an appropriate, time-tested, and regular method by which the Congress has expressed its view—indeed, through the Congress the view of the American people who elected us—on matters important to this country. Any President in

his own self-interest and in the interest of discharging his public responsibilities ought to take such matters seriously and weigh the consequences very carefully of acting in a manner contrary to that recommended by the Congress, because ultimately any policy by any President requires congressional and public support.

But I want to repeat what I said earlier for those who are tempted to cast a vote for the Helms amendment. You will be casting a vote to do something which has never been done before. If you cast that vote, you will be on record, indelibly and forever, as saying you believe there ought to be a dramatic alteration of the constitutional responsibilities of the President and the Congress and you believe that the authority of the President, not just this President, but any President, ought to be capable of being circumscribed and limited by the Congress prior to any event occurring in a particular crisis.

This is a serious matter. This is a serious vote. What we are being asked to do has never been done. It ought not to be done here today. There is no factual, no moral, no legal, no constitutional, no policy basis for taking the dramatic and unprecedented step which this amendment asks the Senate to take.

I urge my colleagues not to endorse such a radical change in the constitutional authorities of the President and the Congress on the basis of the record that exists with respect to this issue and this amendment. If we are ever to take such dramatic step, it must be the result of a much more significant problem, a much more carefully considered course of action than has occurred here.

I urge my colleagues to defeat the Helms amendment and pass the Dole-Mitchell amendment. It is the right, responsible, constitutional course of action for this Senate and for our country.

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

The PRESIDING OFFICER. All time having been yielded back or expired, under the previous order the question occurs now on amendment 1072, as modified, offered by the Senator from North Carolina [Mr. HELMS]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 19, nays 81, as follows:

[Rollcall Vote No. 321 Leg.]

YEAS—19

Brown	Faircloth	Lott
Craig	Grassley	Murkowski
D'Amato	Hatfield	Nickles
Dole	Helms	
Domenici	Kempthorne	
Pressler	Smith	Thurmond
Roth	Stevens	Wallop

NAYS—81

Akaka	Exon	Mack
Baucus	Feingold	Mathews
Bennett	Feinstein	McCain
Biden	Ford	McConnell
Bingaman	Glenn	Metzenbaum
Bond	Gorton	Mikulski
Boren	Graham	Mitchell
Boxer	Gramm	Moseley-Braun
Bradley	Gregg	Moynihan
Breaux	Harkin	Murray
Bryan	Hatch	Nunn
Bumpers	Heflin	Packwood
Burns	Hollings	Pell
Byrd	Hutchison	Pryor
Campbell	Inouye	Reid
Chafee	Jeffords	Riegle
Coats	Johnston	Robb
Cochran	Kassebaum	Rockefeller
Cohen	Kennedy	Sarbanes
Conrad	Kerrey	Sasser
Coverdell	Kerry	Shelby
Danforth	Kohl	Simon
Daschle	Lautenberg	Simpson
DeConcini	Leahy	Specter
Dodd	Levin	Warner
Dorgan	Lieberman	Wellstone
Durenberger	Lugar	Wofford

So the amendment (No. 1072), as modified, was rejected.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 1074

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 1074

The PRESIDING OFFICER. Under the previous order, the question occurs on the amendment offered by the majority leader and minority leader. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. KERREY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 2, as follows:

[Rollcall Vote No. 322 Leg.]

YEAS—98

Akaka	Coverdell	Grassley
Baucus	Craig	Gregg
Bennett	D'Amato	Harkin
Biden	Danforth	Hatch
Bingaman	Daschle	Heflin
Bond	DeConcini	Helms
Boren	Dodd	Hollings
Boxer	Dole	Hutchison
Bradley	Domenici	Inouye
Breaux	Dorgan	Jeffords
Brown	Durenberger	Johnston
Bryan	Exon	Kassebaum
Bumpers	Faircloth	Kempthorne
Burns	Feingold	Kennedy
Campbell	Feinstein	Kerrey
Chafee	Ford	Kerry
Coats	Glenn	Kohl
Cochran	Gorton	Lautenberg
Cohen	Graham	Leahy
Conrad	Gramm	Levin
Lieberman	Murray	Sasser
Lott	Nickles	Shelby
Lugar	Nunn	Simon
Mack	Packwood	Simpson
Mathews	Pell	Smith
McCain	Pressler	Specter
McConnell	Pryor	Stevens
Metzenbaum	Reid	Thurmond
Mikulski	Riegle	Wallop
Mitchell	Robb	Warner
Moseley-Braun	Rockefeller	Wellstone
Moynihan	Roth	Wofford
Murkowski	Sarbanes	

NAYS—2

Byrd	Hatfield

So the amendment (No. 1074) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will come to order. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, last night an agreement was reached by unanimous consent with respect to the Interior appropriations conference report.

I now ask unanimous consent that the time for debate on that report be under the control of Senators BYRD and NICKLES or their designees, with all other provisions of the agreement remaining in effect.

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

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order the clerk will report the conference report on H.R. 2519, the Commerce, State, Justice Appropriations Act for 1994.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2519) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1994, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 14, 1993.)

Mr. HOLLINGS. Mr. President, I am pleased to present the conference report and statement of managers on H.R. 2519, the fiscal year 1994 Commerce, Justice, and State appropriations bill. This conference agreement

provides $22.838 billion in budget authority and $23.223 billion in outlays for discretionary programs under the Commerce, Justice, and State, the Judiciary and related agencies bill. This represents a decrease of $1.343 billion in budget authority and $1.209 billion in outlays below the President's budget request. In fact, for both discretionary and mandatory appropriations, this agreement is $219.5 million below last year's level for this bill.

It has been extremely difficult to develop a bill within these constrained budget allocations. This year started off when we received an overall budget from the administration that was over the budget caps. OMB categorized over $6.6 billion in outlays as investment expenditures and requested these programs be funded specifically in excess of the budget agreement. Within this Commerce, Justice, and State appropriations bill, $987 million in budget authority and $536 million in outlays was so categorized. And, in this conference we received no real help from the administration on where we could cut to accommodate these investment programs or on which of the President's budget reductions should be maintained in conference. OMB Director Leon Panetta, who knows better, sent us a letter instead that essentially said: "The administration wants the conferees to fund the higher of the House or Senate levels for every item, and then add some new items too."

Well, that just wasn't an option. We had to bring in an agreement within our section 602(b) allocation and make reductions to do so. No doubt there will be Members who are not happy that we were not able to accommodate some of their issues in conference. To them, I would note that we did our best. But a conference is a compromise, and in this case we have had to meld together two very different bills. On some issues, the House simply would not agree. And at this late date, 3 weeks after the fiscal year has begun, it is time to move on and get a bill to the President for signature.

Highlights by agency are as follows:

FOR THE JUSTICE DEPARTMENT

In total, the conference agreement provides $9.342 billion for the Department of Justice discretionary programs. That's $295 million above last year's level and nearly $150 million more than the House-passed bill.

We have provided $171 million in additional resources to implement the President's immigration initiative. The INS will receive the bulk of these resources—over $129 million above the 1993 levels for, among other things, 200 additional land border inspectors; 600 additional Border Patrol agents; enhanced detention and deportation activities; and expanded airport inspection services.

The conference agreement also provides a total of $42.5 million in other Justice Department accounts to implement additional aspects of the President's immigration initiative including the construction of four INS detention facilities.

The agreement includes $680 million for Justice assistance grants, including $408 million for State and local drug grants; $25 million for community policing; $12 million correctional options grants; $10 million for criminal records upgrades; and $115 million for juvenile justice programs.

We have provided $270 million for prison construction, and $1.95 billion for the salaries and expenses of the prison system. When combined with carryover funds of $30 million, the operating budget for the Bureau of Prisons will have increased some $300 million over last year.

The sum of $814 million is provided for U.S. attorneys; $722 million for the DEA; and, $2.039 billion for the FBI, including a $5 million counterterrorism initiative.

FOR THE COMMERCE DEPARTMENT

The sum of $226 million is provided for National Institute of Standards and Technology [NIST] external research programs—advanced technology program grants and manufacturing technology centers. That's an increase of $146.5 million above the current appropriated level. President Clinton wrote to the conferees urging that the full Senate level and President's budget be provided for these programs which are integral to his technology initiative. I'm very pleased that we were able to prevail on this issue.

The sum of $1.928 billion is provided for NOAA programs. This represents an increase of $298 million above current levels. Included is $43 million for a new, high altitude hurricane research aircraft and $54 million for a new oceanographic research ship. This represents the first new ship appropriated for NOAA since the late 1970's, and a commitment to rebuilding NOAA's research, mapping, and fisheries fleet.

The sum of $249.6 million is included for the International Trade Administration. Included is $136.6 million for the United States and Foreign Commercial Service, an increase of $23.2 million over last year for the people who are out in the field fighting for American business overseas. And $32.3 million is for the import administration, an increase of $3 million to hire accountants and financial analysts to conduct antidumping and countervailing duty investigations.

The sum of $322.6 million is included for the Economic Development Administration, including $80 million specifically to help communities impacted by defense base closures and cutbacks. And, I'm pleased to note that bill language is included which Senator PRYOR and I sponsored, which enables EDA to make grants to defense impacted communities to reuse military bases before the communities gain title to Federal real property.

Finally, the conference agreement includes $17.1 million for the U.S. Travel and Tourism Administration [USTTA]. This is not as high as I would have liked, but I think everyone should remember that the House voted overwhelmingly to eliminate the agency. And this agreement saves it.

FOR THE JUDICIARY

The conference agreement provides $2.743 billion for the Federal judiciary. That's $209 million or 8.2 percent more than last year and more than twice the percentage increase we gave the Department of Justice.

Fees of jurors and defender services are funded at a level that will avoid a repeat of last year's experience when the payments ran out.

While the conference agreement does not earmark funding for the new bankruptcy judgeships, there is sufficient funding within the big courts account to permit the judicial conference to fill the vacancies if that is their desire.

FOR THE STATE DEPARTMENT AND USIA

The State Department is going to have to tighten its belt and will have to look at additional post closures overseas, and other economies. The Department's operating, construction, and repair appropriations total $2.7 billion. That is $278 million below fiscal year 1993, and $88.7 million below the budget request.

For the United Nations, international organizations, and peacekeeping, we have provided $1.268 billion. That is $317 million below the budget request. We are not going to keep funding unlimited peacekeeping operations around the world. This is not an entitlement program, and many Senators—including this one—believe our resources would be better put to use in disarming warlords and promoting peacekeeping here at home. In an effort to bring financial accountability, we also have included a provision that withholds 10 percent of the payment to the United Nations until it has established an inspector general.

The conference agreement provides $21 million for USIA's anti-Castro broadcasting programs—Radio and TV Marti. This is not as high as the $28.4 million provided in the President's request and the Senate-passed bill. It is however $21 million above the House allowance that proposed terminating these programs. The compromise in the conference agreement requires the Director of the U.S. Information Agency to appoint a three-member panel to review and report on both Radio and TV Marti.

FOR THE LEGAL SERVICES CORPORATION

The conference agreement includes $400 million for the Legal Services Corporation. This will permit a 2.5-percent increase for all local programs and apply the remainder of the increase in

a manner addressing equalization utilizing the 1990 census count.

FOR THE SMALL BUSINESS ADMINISTRATION

The conference agreement includes $657.2 million. Included is $150 million for SBA section 7(a) loan guarantees. That is $63 million more than the President's request within the budget caps. In total, with carryover, this will provide for an $8.8 billion loan guarantee program. And we have provided $429.7 million for SBA salaries and expenses, including grant programs like small business development centers and mirco-loan technical assistance. We have provided an additional $8 million above the House and Senate for pay and personnel, so Erskine Bowles, the new SBA administrator, can continue his fine record. He is one of the truly outstanding members of the President's team, and our conference report endorses his efforts to streamline the agency and make SBA more effective.

CONCLUDING REMARKS

Mr. President, in conclusion, I would like to thank my ranking minority member, Senator DOMENICI, and his staff director JOHN SHANK for their cooperation and hard work on this bill.

I also would like to thank all the staff who have worked so hard to put together this bill and conference agreement. And in that regard, I would like to note how relieved the members and professional staff of our subcommittee are that Chairman BYRD'S right hand man, our full committee staff director—Jim English—is back on the job and is here helping get, not only this appropriations bill, but all of these appropriations through and to the President for his signature.

Mr. President, this conference agreement provides a good bill and I recommend that the Senate endorse it.

Mr. DOMENICI. Mr. President, this is my first year as the ranking Republican on the Commerce—Justice—State Subcommittee. I want to express my profound appreciation to my chairman, Senator HOLLINGS, and the majority staff, Scott Gudes, Dorothy Seder, Liz Blevins, and Bruce Ciske, for their assistance and courtesy throughout this process. I'd also like to pay tribute to the House subcommittee chairman, NEAL SMITH, and the ranking Republican, HAL ROGERS, for their hard work in achieving this conference agreement.

The conference report represents a total of $22.838 billion in new discretionary budget authority, resulting in new and prior year outlays of $23.223 billion. To put these numbers in context, they are $1.2 billion in outlays below the level of the budget requests pending before the subcommittee. Indeed, the subcommittee allocation is over $500 million in outlays below a current services level.

Overall, I can strongly support this conference report. While I disagree with a few provisions, it represents an honest attempt to reflect the priorities of both the administration and the Congress. As I indicated above, it has been very difficult to respond to the administration's budget, since overall it exceeds the caps established in law by $7.9 billion in budget authority and $6.6 billion in outlays.

I would like to highlight a few aspects of this agreement.

BORDER CONTROL INITIATIVE

The Senate was able to retain most of my initiative to add 600 additional Border Patrol agents for the Immigration and Naturalization Service and to expand detention space for illegal aliens. The prison construction account of the Justice Department includes $40.3 million for the expansion or construction of four INS detention facilities, including $7.5 million of the expansion of the El Paso facility serving New Mexico and west Texas. While the passage of the North American Free-Trade Agreement and the development of a strong economy in Mexico are the most important components of the effort to curb illegal immigration in the Southwest, this increase in INS resources should be of tremendous assistance in stabilizing our borders.

The conference agreement also includes a proposal submitted by the administration to increase the INS airline inspection fee from $5 to $6, and to allocate these resources to increased services, including the expansion of contract detention space at international airports in the New York City area. While I support the program expansion that will be funded through the use of this fee increase, I am troubled that we are raising fees for this purpose rather than using directly appropriated funds. I would prefer we provide additional resources for the INS without adding to the fee burden of consumers.

COUNTERTERRORISM INITIATIVE

We also preserved the Senate initiative to expand counterterrorism activities at the Federal Bureau of Investigation. The agreement includes $5 million, which together with $5 million provided in 1993 supplemental funds will be used to purchase equipment for a second hostage rescue team, to expand and upgrade special weapons and tactics teams, and for other terrorist related programs.

DWI GRANTS TO STATES

The conference report includes my proposal to allow States and local governments to use Bryne antidrug abuse formula grant funds for programs for the prosecution of driving while intoxicated charges and the enforcement of other laws relating to alcohol use and the operation of motor vehicles. One of the biggest substance abuse problems in our society is improper alcohol use, especially in connection with automobiles. It is a serious concern in New Mexico, and my provision will provide State and local authorities with one more tool to combat this problem.

JUDICIARY FUNDING

In regard to funding for the Federal Judiciary, the Office of Management and Budget included a plug cut of $573 million in budget authority and $506 million in outlays from the request which was submitted directly by the Judiciary to the Congress. This reduction was, in effect, crosswalked to the Commerce—Justice—State Subcommittee. However, given the importance of the Judicial process as a core function of government, we worked very hard to provide a significant increase of $208.5 million, or 8.2 percent, above the 1993 enacted level. Working with new projections provided by the Judiciary, sufficient funds have been provided to ensure that we should not run out of funds for fees of jurors or defender services during the coming year.

WEATHER SERVICE AND DEFENSE CONVERSION

Funding for the Commerce Department includes the full level of $75 million requested for staffing associated with the modernization of the National Weather Service. This will allow for the deployment and staffing of all new Doppler weather radars that are due to be delivered in 1994. In particular, the Albuquerque, NM, weather service office will be receiving a new Doppler radar this spring. It will be the first radar in the State totally dedicated to civilian weather monitoring and prediction. These funds will provide the staff necessary to begin regular operations of this radar late in fiscal year 1994.

Also within the Commerce Department, the House accepted the Senate initiative to provide $80 million for Defense conversion activities. I know this is important to the subcommittee chairman, whose State faces perhaps the most dramatic impact of our precipitous decline in Defense spending. The language of the conference agreement makes it clear that these funds should also be available for communities adversely impacted by Department of Defense and Department of Energy contract reductions and installation realignments and closures. Thus the communities of Los Alamos and Albuquerque would be eligible for such grants.

SUPPORT FOR SMALL BUSINESS

Funding for the Small Business Administration includes greatly increased levels for guaranteed loan programs. For the general business section 7(a) loan program, a total of almost $7 billion will be available for the financing of small business operating and other expenses. In addition, $1.8 billion in program authority will carry over from fiscal year 1993. This will allow for a robust program during fiscal year 1994, without any possibility of a program shutdown as occurred last spring.

We have also included the increase of $500,000 I recommended for grants through the Office of Women's Business Ownership of the Small Business Administration. This will allow the Office to provide $2,000,000 in demonstration grants under the terms of Public Law 100–533 to support organizations that provide business consultation, training, and financial assistance to women interested in starting or expanding a small business. In New Mexico, the WESST Corp., or Women's Economic Self-Sufficiency Team, has proposed a unique program that would assist low-income and minority women. The Senate report urged the SBA to give every consideration to an application from this organization, and I reiterate that endorsement.

The conference agreement also includes a contingent appropriation for small business disaster loans. While I fully support this program, and I realize that contingent appropriations have been provided for the disaster loan program for the past 3 years, I do not believe this should continue as a regular practice. We should allocate a portion of discretionary funds each year for disasters and other emergencies rather than count on contingent appropriations for the provision of what I consider a regular program expense. While these funds will probably not be used in 1994 given the large balances in the disaster loan program, I do not believe we should continue this practice in the future and I am not supportive of this portion of the conference agreement.

Finally, Mr. President, I'm very happy to state that this agreement includes $5,000,000 to establish a National Center for Genome Resources in New Mexico. It will be available to aid our nation's small businesses in utilizing the resources of the human genome project and to help maintain U.S. leadership in the biotechnology industry.

INTERNATIONAL ORGANIZATIONS

Funding of assessed contributions for the United Nations includes a modification of my amendment that withholds a portion of the funds until the Secretary of State certifies that the United Nations has established an independent office of audits and inspections substantially similar to our offices of inspectors general. Failure to establish such an office will result in the withholding of 10 percent of $29 million, from regular U.N. operations. I should state that the recent announcement by the Secretary General that he will appoint an individual to review procurement and personnel matters at the United Nations is an important first step, but I do not believe it meets the certification criteria of this amendment. I also expect that the Secretary of State will not issue a pro forma certification without an adequate documentation of the steps taken by the United Nations to comply with this provision. The failure of the United Nations and the State Department to adequately respond to calls for reform could only result in the further erosion of support in this country for the allocation of limited budget responses to international organizations.

With regard to peacekeeping expenses, both Senator HOLLINGS and I agree that this subcommittee cannot absorb larger levels for peacekeeping expenses without a significant increase in our available budget resources. The failure to provide such an increase would seriously impact other subcommittee programs, such as the Justice Department, NOAA, and the operations of the State Department itself.

LACK OF STATE DEPARTMENT CONSULTATION WITH CONGRESS

I am extremely concerned that the State Department has not chosen to inform the subcommittee of any of the steps recently taken in the area of peacekeeping commitments. For instance, no prior consultation or notification was provided of United States agreement to participate in the Rwanda, Haiti, Georgia, and Liberia peacekeeping operations. Even after the House and Senate subcommittees expressed concerns about the costs and rationale for such operations, little information has been provided. This cavalier attitude toward the concerns of the subcommittee and the Congress will have implications for the consideration of future budget requests for peacekeeping expenses.

The State Department also decided, under the terms of the continuing resolution, to obligate large sums of money from the accounts for international organizations and peacekeeping without any notification or explanation to the subcommittee. Again, it is apparent the Department does not take seriously the concerns expressed in the Senate report about the use of such funds. In particular, the Department seems to have ignored the Senate amendment, incorporated into this conference agreement, which requires the Secretary of State to certify that American firms are being given an equal chance to compete with foreign firms for contracts let by the United Nations for peacekeeping operations. In the face of evidence that procurement scandals have occurred in connection with the United Nations peacekeeping operation in Cambodia, the attitude of this administration appears to be indifference to both the scandals and the concerns of the Congress.

The Department has not had the courtesy to explain to the subcommittee or its staff the rationale for these actions. This is particularly disturbing since I have attempted in the past to be responsive to the request of the administration for additional peacekeeping funds.

As a result of these and other concerns, the statement of the managers includes report language directing the Secretary of State to notify the Appropriations Committees 15 days in advance, where practicable, of a vote by the U.N. Security Council to establish any new or expanded peacekeeping operation. This notification is also expected to include the total estimated cost, the United States share of such cost, the mission and objectives, the duration and estimated termination date, and the source of the funding for the United States' share of peacekeeping costs.

U.S. INFORMATION AGENCY

Funding for the U.S. Information Agency includes $993,000 for the establishment of a United States-Mexico Conflict Resolution Center at New Mexico State University. Such a center will provide an expedient and relatively inexpensive alternative to court-mandated settlements in disputes involving the environment, business relations, and commercial activities.

Once again, Mr. President, I want to thank Senator HOLLINGS and the other members of the subcommittee for their cooperation and assistance. I support this conference report and urge that it be adopted.

CLARIFYING THE STATEMENT OF MANAGERS ON H.R. 2519

Mr. HOLLINGS. Mr. President, a number of questions have been raised on the intent of the conferees regarding the appropriation for the U.S. Information Agency Educational and Cultural Exchange Programs account.

The House proposed an appropriation of $217,650,000 for this USIA appropriation account and provided 95 percent of adjusted current services for programs. The House allowance also assumed that Freedom Support Act exchange programs that had been previously funded by the Foreign Operations, Export Financing, and Related Programs Appropriations Act should continue to be funded by that act. The House report did not provide a table detailing recommended funding levels for each program.

The Senate version of H.R. 2519 provided $250,702,000 for the Educational and Cultural Exchange Programs account and Senate Report 103–105 on pages 115 and 116 provided a table that provides recommended funding levels by exchange program. The Senate also concurred with the House and deleted funding requested by the administration for Freedom Support Act exchanges. Finally, and most importantly, the Senate recommended that $19,255,000 in exchange support costs be supported from within funds provided for the Educational and Cultural Exchange Program account.

The conferees agreed to provide $242,000,000 for the Educational and Cultural Exchange Programs account, but did not provide a table detailing recommendations by exchange program. The conferees did, however, note

that increases should be provided for the following programs: the International Visitor Program, the Fulbright, and other academic programs—to include Vietnamese student exchanges and CAMPUS—the Claude and Mildred Pepper Scholarship Program, various new exchange programs, to include the Mike Mansfield Fellowship Program and exchanges for Pacific Island nations in the Western and South Pacific, if authorized, the American Studies Program, if authorized, and the Humphrey Fellowship. This approach was taken because the House felt that we should provide flexibility to the Director of USIA in the funding levels for various exchanges, and that the USIA should submit a reprogramming proposal to the House and Senate Appropriations committees.

Mr. President, unfortunately the statement of managers inadvertently omitted to mention that the conferees had also agreed to include exchange support costs within the Educational and Cultural Exchange Programs appropriation account. It is my belief that the reprogramming that USIA sends to us should include at least $13,000,000 for exchange support costs.

I hope that this statement clears up any confusion regarding the conferee's intent.

FUNDING FOR AQUACULTURE

Mr. DOMENICI. Mr. President, I would like to bring to the attention of the chairman the description of the funding levels for aquaculture programs of the National Oceanic and Atmospheric Administration. In the Senate report, the Senate indicated that not less than $350,000 should be made available through the aquaculture program for the Newport, OR, Marine Science Center. In the conference agreement there is the statement that $250,000 should be made available for this purpose. It is my understanding that the funding level identified for Newport in the statement of the managers is a inadvertent mistake, and that the conferees intended to repeat the Senate report language indicating that $350,000 should be made available for this purpose. Is that the chairman's understanding?

Mr. HOLLINGS. Yes, Mr. President, that is my understanding. This colloquy should serve notice to the National Oceanic and Atmospheric Administration that the Newport, OR, Marine Science Center should receive $350,000 through the aquaculture program, the same level as identified in the Senate report.

Mr. DOMENICI. I thank the chairman for his courtesy, and I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today to support the conference report accompanying H.R. 2519, the Commerce, State, Justice, the Judiciary, and related agencies appropriation bill for fiscal year 1994. I commend Chairman HOLLINGS and Senator DOMENICI for putting together a fine bill that funds many important programs within a very austere allocation.

In particular, I would like to express my support for the funding in the conference agreement for the 35 bankruptcy judgeships which were authorized by the Bankruptcy Act of 1992. I hope the Judicial Conference will begin immediately to examine the pending bankruptcy caseload of each district with newly authorized judgeships so that the 35 judgeships can be fully funded as soon as possible.

Many of these judgeships have been requested and sorely needed for over 3 years. During the rapid increase in bankruptcy filings in the late 1980's and early 1990's, the small growth in bankruptcy judges has not kept pace with the increase in filings.

A primary factor considered in assessing requests for new judgeships in the Bankruptcy Court is the weighted caseload, expressed in "case related hours." A weighted caseload in excess of 1,500 annual case related hours per judge has been established as an indicator of the need for additional judgeships. This size caseload represents a workload approximately 20-percent greater than the national average.

As an example, in 1993 the Biennial Judgeship Survey revealed that the Central District of California had a weighted caseload of 2,144 hours per judge, an increase of 41.5 percent since the last survey. During the same time period, the national average grew 7.9 percent. The central district's judicial workload now ranks third in the Nation and first in the ninth circuit.

The story is the same in other parts of the country as well. Nationwide, bankruptcy filings have grown from approximately 530,000 filings in 1986, to nearly 1 million filings in 1992. Adequate judicial resources on the bankruptcy bench are important to our Nation's economic recovery: with adequate resources, the bankruptcy system allows debtors to get back on their feet and creditors to receive payment more quickly. Swift and equitable handling of bankruptcy cases is important to debtors and creditors, small and large businesses, labor and management, rural and urban Americans and to the economy as a whole.

I again thank Chairman HOLLINGS and Senator DOMENICI for their fine work on this bill, and I yield the floor.

NEED TO FUND THE BANKRUPTCY JUDGESHIPS

Mr. BIDEN. Mr. President, as my colleagues are aware, Congress authorized 35 new bankruptcy judgeships last year. The dramatic increase in bankruptcy filings in the last 12 years—193.4 percent from 1980 to 1992—demanded the creation of these judgeships to meet the significant number of filings and the growing backlog of cases in U.S. bankruptcy courts. Senator HOLLINGS and the conferees on the Commerce, Justice, State, and Judiciary appropriations bill took note of this need and recommended to the Administrative Office of U.S. Courts that these judgeships receive primary consideration for funding. I heartily concur. One temporary judgeship was authorized for the U.S. Bankruptcy Court for the District of Delaware. While many bankruptcy courts are overwhelmed, the problem in Delaware is particularly acute.

In 1992, Delaware led the Nation with a 31.9-percent increase in the number of filings from 1991. In addition and of more significance, Delaware has become the forum of choice for mega-filings, which are cases worth more than $50 million. A mega-filing is the most complex and difficult type of bankruptcy case, and the parties to these cases come from all over the country. As Delaware is the preferred forum for mega-filings, the adverse impact on the national economy due to the backlog of cases in the Delaware Bankruptcy Court cannot be underestimated.

Judge Helen Balick is the sole bankruptcy judge in the U.S. Bankruptcy Court for the District of Delaware. She and the court are facing a serious backlog of cases—currently pending are: 10 cases worth over $1 billion each; 17 cases worth over $100 million each; and more than 200 cases worth over $1 million each.

The workload of the Delaware Bankruptcy Court is unlike any other bankruptcy court in the country. In their recommendation to the Administrative Office, the conferees pointed out "that the increase in the number of bankruptcy cases pending and the total volume of such cases in a district may not be as good an indicator of workload or need as the complexity of the individual cases." In the complex mega-filings, the sheer volume of docket entries, adversary proceedings, and motions for relief can be overwhelming, and, yet, still demand the individual attention of the judge. In one case worth over $1 billion, there are 7,264 docket entries, 105 pending motions and 79 adversaries. Judge Balick must juggle this case with nine other billion dollar cases in addition to more than 200 other million dollar cases.

In an effort to alleviate the strain, the Delaware Bankruptcy Court has enlisted the help of bankruptcy judges from other districts, but those judges are able to help Judge Balick no more than 2 to 4 days a month. Due to the time constraints, these judges can only handle the smaller cases and cannot begin to address the issues in the more complex and time consuming mega-filings.

Without funding, the 35 new judges—many who have already been designated—cannot take the bench. The fact that the nominee for the Delaware judgeship has been chosen and has undergone his FBI background check

means that when the funds are appropriated, the new judge will be able to start shortly.

I want to thank Senator HOLLINGS and the other conferees for their work on the Commerce, State, Justice, and Judiciary appropriations conference report and their help in ensuring funding for the Judiciary at a level that enables the new bankruptcy judges to take their places on the bench. I share Senator HOLLINGS' concern about the growth in the Judiciary's budget and I understand the constraints of the overall budget situation. I also note favorably that the Judicial Conference in conjunction with the Administrative Office of the U.S. Courts has instituted a review of the fiscal policies in effect within the judicial branch. At the same time, I know the U.S. Bankruptcy Court for the District of Delaware and bankruptcy courts across the country face serious problems in need of immediate attention.

Mr. President, during this time of fiscal austerity, each branch of Government needs to take stock and assess the needs facing the Nation. I realize the demands on the Judiciary are great. Each branch of Government is working with fewer resources. However, the negative economic impact due to the backlog of cases in bankruptcy courts across the Nation is significant. The need to alleviate this burden on bankruptcy courts and resolve these cases to provide individuals and businesses a fresh start should be a concern shared by all people wanting to move the United States out of the economic doldrums.

STATEMENT ON COMMERCE, JUSTICE, STATE APPROPRIATIONS CONFERENCE REPORT

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2519, the conference report on the Commerce, Justice, State appropriations bill, and has found that the bill is under its 602(b) budget authority allocation by $281 million and under its 602(b) outlay allocation by $8 million.

I compliment the distinguished manager of the bill, Senator HOLLINGS, and the distinguished ranking member of the subcommittee, Senator DOMENICI, for all of their hard work.

Mr. President, I have a table from the Budget Committee showing the official scoring of the conference report on the Commerce, Justice, State appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

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

SENATE BUDGET COMMITTEE SCORING OF H.R. 2519: FISCAL YEAR 1994 COMMERCE, JUSTICE, STATE APPROPRIATIONS—CONFERENCE

[In millions of dollars]

Bill summary	Budget authority	Outlays
Discretionary total:		
New spending in bill	22,818	16,854
Outlays from prior years appropriations		6,350
Permanent/advance appropriations	20	18
Supplementals	0	1
Subtotal, discretionary spending	22,838	23,223
Mandatory total	561	547
Bill total	23,399	23,770
Senate 602(b) allocation	23,680	23,778
Difference	−281	−8
Discretionary total above (+) or below (−):		
President's request	−1,343	−1,209
House—passed bill	2,557	1,547
Senate—reported bill	−133	−53
Senate—passed bill	−144	−54

SENATE BUDGET COMMITTEE SCORING OF H.R. 2519: FISCAL YEAR 1994 COMMERCE, JUSTICE, STATE APPROPRIATIONS—CONFERENCE—Continued

[In millions of dollars]

Mr. LEVIN. Mr. President, I want to thank the conferees for providing funds for the Great Lakes Fishery Commission to reregister the pesticide, TFM, which is used to control sea lamprey population in the Great Lakes.

The approximately $2 million in new funds for fiscal year 1994 for the Commission will help avert ecosystemwide disaster. As my Great Lakes colleagues know, the lamprey population is growing and threatening fisheries all across the region. The only weapon that we have at present to stem the tide is this lampricide, TFM. If the use of this substance were to be discontinued or banned, because of a failure to reregister it per U.S. pesticide law, Great Lakes recreational and commercial fishing would most likely be decimated by the resultant lamprey population explosion.

As I indicated when I offered an amendment to the Senate's version of the Commerce appropriations bill to provide reregistration funds, we have very little choice in how we control the lamprey in the Great Lakes at the present time. But, there are some nonchemical control methods that may show some promise. Unfortunately, neither the United States, nor Canada, is spending enough money to realize these promising control technologies or methods. I would encourage the administration and my colleagues on the Appropriations Committee to consider increasing our research efforts in this area in fiscal year 1995 and beyond.

Mr. President, I appreciate the conferees assistance, particularly the help of subcommittee Chairman HOLLINGS and Senator INOUYE. The funds they have provided should be sufficient to complete the reregistration process. However, I would like to note, this process is somewhat open-ended and depends on the testing and data requirements of the Environmental Protection Agency.

Mr. PRESSLER. Mr. President, I want to take a few moments to comment on the conference report accompanying H.R. 2519, the fiscal year 1994 Commerce-Justice-State appropriations bill. Specifically, I wish to commend the conferees, in particular my friend from New Mexico, Senator DOMENICI, for including language to withhold 10 percent of our assessed payments to the United Nations until an independent office of inspector general is established. The Senate version would have withheld our arrearage payments until an inspector general was appointed.

I believe the conference committee's approach is an improvement over the earlier version. First, the United States should honor its past obligations to the United Nations. Many nations and their representatives in the U.N. leadership are not willing to take a stand for U.N. reform. They dodge the issue by pointing to our Nation's debt to the United Nations. Honoring those debts would put an end to the discussion of this nonissue. Furthermore, last month, in his address before the U.N. General Assembly, President Clinton called on Congress to make good on our past obligations. The conference report takes a positive step in that direction.

Second, this measure is a very modest version of an approach I have advocated—withholding a portion of our current payments to the United Nations until it gets its house in order. I have taken this floor many times to call upon the United Nations to establish a tough, effective inspector general to crack down on waste, fraud, abuse, and outright thievery at the United Nations. I suspect this will not be my last speech on this subject.

Mr. President, I again commend the conferees for recognizing the need for U.N. reform. I am pleased they have joined the growing chorus of Americans demanding a cleanup of the United Nations. That chorus that includes our President, who stood before the U.N. General Assembly and called on Secretary General Boutros Boutros-Ghali to appoint an inspector general.

Let me be clear, the approach contained in the conference report is modest. I believe tougher action would be warranted. During consideration of the foreign operations appropriations bill, I intended to offer an amendment to withhold two-thirds of our voluntary contributions to the United Nations until an independent inspector general has been appointed. I agreed to withdraw the amendment after I received the commitment of the distinguished President pro tempore, Senator BYRD, to work with me in crafting and offering a similar measure on the next appropriate vehicle. I am pleased my distinguished friend from West Virginia has been willing to work with me on this important issue.

ELIMINATION OF DEATH PENALTY PROVISIONS

Mr. FEINGOLD. Mr. President, I want to commend the House and Senate conferees in their decision to strike

the Senate amendment to the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1994, which would have applied the death penalty to individuals convicted of terrorist activities and bombing offenses which result in death. The conferees correctly concluded that the amendment constituted legislation on appropriations, and therefore appropriately removed it from the conference report. I share these procedural concerns but also reject the amendment on substantive as well as moral grounds.

The death penalty, and any expansion of it, serves no beneficial purpose and has no place in our society. There is no evidence linking executions to the deterrence of future crimes, and the specter of the death penalty certainly would not deter those heinous enough to plot and carry out the tragic events such as those that transpired in New York. A terrorist's ready-to-die-for-their-cause frame of mind does not operate on a normal cost-benefit analysis—let alone any standard of moral decency.

I voted against this amendment when the Senate debated the bill on July 28. Unfortunately, this amendment passed.

Fortunately, the House-Senate conferees struck the provision as was anticipated. This permits me to support final passage.

However, I am sure we will see similar amendments in the upcoming crime bill debate on top of the current crime bill's expansion in the number of offenses punishable by death. I plan to strongly oppose any such amendment that seeks to expand the death penalty as well as the provisions in the bill which already do so.

Mr. President, I feel that we must concentrate on improving and implementing our proven crime prevention efforts rather than waste our time and resources on symbolic measures such as the death penalty. Further expansion of this barbaric procedure will not only increase the likelihood of executing the innocent, but will also divert our time and precious resources away from our efforts to curb the Nation's violence. Creating new Federal death penalties will do nothing to help reduce the violence in our streets.

The PRESIDING OFFICER. The question occurs on the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced, yeas 90, nays 10, as follows:

[Rollcall Vote No. 323 Leg.]

YEAS—90

Akaka	Bingaman	Bradley
Baucus	Bond	Breaux
Bennett	Boren	Bryan
Biden	Boxer	Bumpers
Burns	Grassley	Mitchell
Byrd	Harkin	Moseley-Braun
Campbell	Hatch	Moynihan
Chafee	Hatfield	Murkowski
Coats	Hollings	Murray
Cochran	Hutchison	Nickles
Cohen	Inouye	Nunn
Coverdell	Jeffords	Packwood
Craig	Johnston	Pell
D'Amato	Kassebaum	Pressler
Danforth	Kempthorne	Pryor
Daschle	Kennedy	Reid
DeConcini	Kerrey	Riegle
Dodd	Kerry	Robb
Dole	Kohl	Rockefeller
Domenici	Lautenberg	Sarbanes
Durenberger	Leahy	Sasser
Exon	Levin	Shelby
Faircloth	Lieberman	Simon
Feingold	Lugar	Simpson
Feinstein	Mack	Specter
Ford	Mathews	Stevens
Glenn	McCain	Thurmond
Gorton	McConnell	Warner
Graham	Metzenbaum	Wellstone
Gramm	Mikulski	Wofford

NAYS—10

Brown	Heflin	Smith
Conrad	Helms	Wallop
Dorgan	Lott	
Gregg	Roth	

So the conference report was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate concurs in the House amendments to the remaining Senate amendments en bloc, and the motion to reconsider the votes is laid upon the table.

The Senate concurred en bloc to the amendments of the House to the amendments of the Senate Nos. 3, 5, 10, 21, 22, 23, 27, 30, 31, 34, 37, 44, 52, 63, 64, 67, 71, 73, 75, 78, 81, 84, 93, 97, 101, 110, 111, 113, 114, 115, 122, 129, 130, 132, 133, 135, 138, 139, 140, 141, 142, 147, 148, 149, 150, 159, 161, 162, 166, 169, 170, 174, and 175, as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 3 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: "notwithstanding the provisions of section 511 of said Act, $474,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 5 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: "of part E of title I of said Act and $50,000,000 shall be available to carry out the provisions of chapter A of subpart 2".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 10 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

"(e) $16,000,000 shall be available to reimburse any appropriation account, as designated by the Attorney General, for selected costs incurred by State and local law enforcement agencies which enter into cooperative agreements to conduct joint law enforcement operations with Federal agencies; (f) $500,000 shall be available to carry out the provisions of subtitle B of title I of the Anti Car Theft Act of 1992 (Public Law 102-519), notwithstanding the provisions of section 131(b)(2) of said Act, for grants to be used in combating motor vehicle theft: *Provided*, That not to exceed $12,500,000 of the funds made available in fiscal year 1994 under chapter A of subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall be available as follows: (a) $2,000,000 shall be available for the activities of the District of Columbia Metropolitan Area Drug Enforcement Task Force; (b) not to exceed $10,000,000 shall be available to the Director of the Federal Bureau of Investigation for startup costs associated with coordinating the national background check system; and (c) $500,000 shall be transferred to the National Commission to Support Law Enforcement for the necessary expenses of the Commission as authorized by section 211(B) of Public Law 101-515".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 21 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: "(f) $500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 22 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed in said amendment, insert "$119,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 23 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed in said amendment, insert "$30,000,000".

Resolved, That the House recede from its disagreement to the amendment to the Senate numbered 27 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert "$403,968,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 30 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed in said amendment, insert "$66,817,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 31 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed in said amendment, insert "$45,997,000".

And on page 9 line 19 of the House engrossed bill, H.R. 2519, strike "$19,000,000," and insert in lieu thereof "$20,820,000".

And on page 10 line 3 of the House engrossed bill, H.R. 2519, strike "$19,000,000," and insert in lieu thereof "$20,820,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 34 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed in said amendment, insert "$61,513,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 37 to the aforesaid bill, and

concur therein with an amendment as follows:

In lieu of the sum proposed in said amendment, insert "$61,513,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 44 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed in said amendment, insert "$55,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 52 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following:

for projects on the northern border of the United States only.

In addition, section 286 of the Immigration and Nationality Act of 1952 (8 U.S.C. 1356), as amended, is further amended—

(1) in subsection (d), by striking "$5", and inserting "$6"; and

(2) in subsection (h)(2)(A), by deleting subsection (v), and inserting the following:

"(v) providing detention and deportation services for: excludable aliens arriving on commercial aircraft and vessels; and any alien who is excludable under section 212(a) who has attempted illegal entry into the United States through avoidance of immigration inspection at air or sea ports-of-entry.

"(vi) providing exclusion and asylum proceedings at air or sea ports-of-entry for: excludable aliens arriving on commercial aircraft and vessels including immigration exclusion proceedings resulting from presentation of fraudulent documents and failure to present documentation; and any alien who is excludable under section 212(a) who has attempted illegal entry into the United States through avoidance of immigration inspection at air or sea ports-of-entry.".

IMMIGRATION EMERGENCY FUND

For the Immigration Emergency Fund, as authorized by section 404(b)(1) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1101), $6,000,000, to remain available until expended.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 63 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed in said amendment, insert the following:

SEC. 110. TECHNICAL AMENDMENTS TO THE VICTIMS OF CRIME ACT.

(a) Section 1402 of the victims of Crime Act of 1984 (42 U.S.C. 10601), is amended—

(1) In subsection (d)(2)—

(A) by striking "and" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(C) by adding at the end the following:

"(C) 1 percent shall be available for grants under section 1404(c); and

"(D) 4.5 percent shall be available for grants as provided in section 1404A.".

(2) In subsection (d)(3), by striking "1404(a)" and inserting "1404A".

(3) In subsection (g)(1), by striking "(d)(2)(A)(iv)" and inserting "(d)(2)(D)".

(b) Section 1404A of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)), is amended by striking "1402(d)(2)" and inserting "1402(d)(2)(D) and (d)(3).".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 64 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed in said amendment, insert the following:

SEC. 111. BANKRUPTCY FEES.

(a) CHAPTERS 7 AND 13 FILING FEES.—Effective 30 days after enactment of this Act—

(1) Section 1930(a)(1) of title 28 of the United States Code is amended by striking "$120" and inserting "$130".

(2) Section 589a of title 28 of the United States Code is amended in subsection (b)(1), by striking "one-fourth" and inserting "23.08 percentum".

(3) SEC. 406(b) of Public Law 101-162 (103 Stat. 1016) is amended by striking "25 percent", and inserting "30.76 percentum".

(b) CHAPTER 11 FILING FEE.—Effective 30 days after enactment of this Act.—

(1) Section 1930(a)(3) of title 28 of the United States Code is amended by striking "$600" and inserting in lieu thereof "$800".

(2) Section 589a of title 28 of the United States Code is amended in subsection (b)(2), by striking "50 percentum" and inserting "37.5 percentum".

(3) Section 589a of title 28 of the United States Code is amended in subsection (f)(1), by striking "16.7 percentum" and inserting "12.5 percentum".

(4) SEC. 406. (b) of Public Law 101-162 (103 Stat. 1016) is amended by adding "and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(3)" immediately after "28 U.S.C. section 1930(a)(1)".

(c) No funds provided by this Act shall be expended to fill any bankruptcy judgeship unless such appointee was on a merit selection list or report submitted to the court of appeals by either the judicial council or a subcommittee of the members of the council, in accordance with section 120 of the Bankruptcy Amendments and Federal Judgeship Act of 1984 (Public Law 98-353; 98 Stat. 344), section 152 of title 28 of the United States Code, and the Judicial Conference of the United States' Procedures for the Selection and Appointment of Bankruptcy Judges.

(d) REPORT ON BANKRUPTCY FEES.—

(1) REPORT REQUIRED.—Not later than March 31, 1998, the Judicial Conference of the United States shall submit to the Committees on the Judiciary of the House of Representatives and the Senate, a report relating to the bankruptcy fee system and the impact of such system on various participants in bankruptcy cases.

(2) CONTENTS OF REPORT.—Such report shall include—

(A)(i) an estimate of the costs and benefits that would result from waiving bankruptcy fees payable by debtors who are individuals, and

(ii) recommendations regarding various revenue sources to offset the net cost of waiving such fees.

(B)(i) an evaluation of the effects that would result in cases under chapters 11 and 13 of title 11, United States Code, from using a graduated bankruptcy fee system based on assets, liabilities, or both of the debtor, and

(ii) recommendations regarding various methods to implement such a graduated bankruptcy fee system.

(3) WAIVER OF FEES IN SELECTED DISTRICTS.—For purposes of carrying out paragraphs (1) and (2), the Judicial Conference of the United States shall carry out in not more than six judicial districts, throughout the 3-year period beginning October 1, 1994, a program under which fees payable under section 1930 of title 28, United States Code, may be waived in cases under chapter 7 of title 11, United States Code, for debtors who are individuals unable to pay such fees in installments.

(4) STUDY OF GRADUATED FEE SYSTEM.—For purposes of carrying out paragraphs (1) and (2), the Judicial Conference of the United States shall carry out, in not fewer than six judicial districts, a study to estimate the results that would occur in cases under chapters 11 and 13 of title 11, United States Code, if filing fees payable under section 1930 of title 28, United States Code, were paid on a graduated scale based on assets, liabilities, or both of the debtor.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 67 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 112. For fiscal year 1994 only, grants awarded to State and local governments for the purpose of participating in gang task forces and for programs or projects to abate drug activity in residential and commercial buildings through community participation, shall be exempt from the provisions of section 504(f) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 71 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: :*Provided*, That $60,400,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1994, so as to result in a final fiscal year 1994 appropriation estimated at not more than $99,900,000: *Provided further*, That any offsetting collections received in excess of $60,400,000 in fiscal year 1994 shall remain available until expended, but shall not be available for obligation until October 1, 1994: *Provided further*, That none of the funds appropriated by this Act shall be used to repeal, to retroactively apply changes in, or to continue a reexamination of, the policies of the Federal Communications Commission with respect to comparative licensing, distress sales and tax certificates granted under 26 U.S.C. 1071, to expand minority ownership of broadcasting licenses, including those established in the Statement of Policy on Minority Ownership of Broadcasting Facilities, 68 F.C.C. 2d 979 and 69 F.C.C. 2d 1591, as amended 52 R.R. 2d 1313 (1982) and Mid-Florida Television Corp., 69 F.C.C. 2d 607 (Rev. Bd. 1978), which were effective prior to September 12, 1986, other than to close MM Docket No. 86-484 with a reinstatement of prior policy and a lifting of suspension of any sales, licenses, applications, or proceedings, which were suspended pending the conclusion of the inquiry: *Provided further*, That none of the funds appropriated to the Federal Communications Commission by this Act may be used to diminish the number of VHF channel assignments reserved for noncommercial educational television stations in the Television Table of Assignments (section 73.606 of title 47, Code of Federal Regulations): *Provided further*, That none of the funds appropriated by this Act may be used to repeal, to retroactively apply changes in,

or to begin or continue a reexamination of the rules and the policies established to administer such rules of the Federal Communications Commission as set forth at section 73.3555(d) of title 47 of the Code of Federal Regulations, other than to amend policies with respect to waivers of the portion of section 73.3555(d) that concerns cross-ownership of a daily newspaper and an AM or FM radio broadcast station.

In addition, section 9(a) of Title I of the Communications Act of 1934, as amended, is further amended as follows:

(a) by striking "(a) GENERAL AUTHORITY.—" and inserting in lieu thereof the following:

"(a) GENERAL AUTHORITY.—

"(1) RECOVERY OF COSTS.—"; and

(b) By adding at the end the following new paragraph:

"(2) FEES CONTINGENT ON APPROPRIATIONS.—The fees described in paragraph (1) of this subsection shall be collected only if, and only in the total amounts, required in Appropriations Acts."

And on page 28 line 14 of the House engrossed bill, H.R. 2519, strike $129,889,000, and insert in lieu thereof "$160,300,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 73 to the foresaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

": *Provided further*, That the funds appropriated in this paragraph are subject to the limitations and provisions of section 10(a) and 10(c) (notwithstanding section 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374), except that this proviso shall cease to be effective upon enactment of an Act authorizing appropriations for the Federal Trade Commission for fiscal year 1994".

and on page 29 line 11 of the House engrossed bill, H.R. 2519, strike "$19,000,000", and insert in lieu thereof "$20,820,000",

and on page 29 line 21 of the House engrossed bill, H.R. 2519, strike "$69,740,000", and insert in lieu thereof "$67,920,000",

and on page 29 line 22 of the House engrossed bill, H.R. 2519, strike "$19,000,000", and insert in lieu thereof "$20,820,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 75 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

": *Provided*, That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of 1 percentum to one-twenty-ninth of 1 percentum and such increase shall be deposited as an offsetting collection to this appropriation, to remain available until expended, to recover costs of services of the securities registration process: *Provided further*, That such fee increase shall be repealed upon enactment of legislation amending the Securities Exchange Act of 1934 to establish a new fee system in fiscal year 1994 for full cost recovery of Commission expenses.

In addition, and subject to enactment of legislation amending the Securities Exchange Act of 1934 to establish a new fee system in fiscal year 1994 to require the Commission to collect $171,621,000 in fees to be deposited to this appropriation as an offsetting collection; $171,621,000, to remain available until expended: *Provided*, That subject to the fee provisions contained in said legislation, $171,621,000 of fees shall be assessed and deposited as an offsetting collection to this appropriation to recover the costs of services of the securities registration process: *Provided further*, That the $171,621,000 herein appropriated shall be reduced as the aforementioned fees are collected during fiscal year 1994, so as to result in a final fiscal year 1994 appropriation estimated at not more than $0

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 78 to the aforesaid bill, and concur therein with an amendment as follows:"

In lieu of the sum named in said amendment, insert: "$1,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 81 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

$1,694,753,000, to remain available until expended; of which $576,000 shall be available for operational expenses and cooperative agreements at the Fish Farming Experimental Laboratory at Stuttgart, Arkansas; and in addition, $54,800,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided*, That grants to States pursuant to section 306 and 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000 and shall not be less than $500,000: *Provided further*, That hereafter all receipts received from the sale of aeronautical charts that result from an increase in the price of individual charts above the level in effect for such charts on September 30, 1993, shall be deposited in this account as an offsetting collection and shall be available for obligation

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 84 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: "$43,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 93 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration including travel and tourism promotional activities abroad for travel to the United States and its possessions without regard to 44 U.S.C. 501, 3702 and 3703, including employment of American citizens and aliens by contract for services abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; advance of funds under contracts abroad; payment of tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed $15,000 for official representation expenses abroad; $17,120,000, to remain available until expended: *Provided*, That none of the funds appropriated by this paragraph shall be available to carry out the provisions of section 203(a) of the International Travel Act of 1961, as amended: *Provided further*, That in addition to fees currently being assessed and collected, the Administration shall charge users of its services, products, and information, fees sufficient to result in an additional $3,000,000, to be deposited in the General Fund of the Treasury

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 97 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

: *Provided further*, That notwithstanding the provisions of sections 391 and 392 of the Communications Act, as amended, not to exceed $700,000 appropriated in this paragraph shall be available for the Pan-Pacific Educational and Cultural Experiments by Satellite program (PEACESAT)

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 101 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, $322,642,000: *Provided*, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when, in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: *Provided further*, That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 110 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$2,160,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 111 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$280,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 113 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named by said amendment, insert: "$19,800,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 114 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$86,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 115 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$44,900,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 122 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following:

$1,118,000, of which $500,000 shall be available by transfer from unobligated balances remaining from the appropriation entitled "Commission on Agricultural Workers, Salaries and expenses"

and on page 51 of the House engrossed bill, H.R. 2519, after the heading "Salaries and Expenses" on line 9, insert the following new heading "(including transfer of funds)".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 129 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment amended to read as follows:

None of the funds appropriated for the Small Business Administration under this Act may be used to impose any new or increased loan guaranty fee or debenture guaranty fee, or any new or increased user fee or management assistance fee, except as otherwise provided in this Act: *Provided*, That none of the funds provided in this or any other Act may be used for the cost of direct loans to any borrower under section 7(b) of the Small Business Act to relocate voluntarily outside the business area in which the disaster has occurred.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 130 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "$16,946,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 132 to the aforesaid bill, and concur therein with an amendment as follows:

Delete the matter stricken and delete the matter inserted and strike all on line 14, page 54 of the House engrossed bill, H.R. 2519, and all that follows through "In addition," on line 24, page 54, and on page 53, line 12 of the House engrossed bill, H.R. 2519, strike "this amount" and insert in lieu thereof "the total amount in this paragraph".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 133 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment insert: "$140,000,000", and on page 55, line 6 of the House engrossed bill, H.R. 2519, strike "$12,369,000" and insert in lieu thereof "$7,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 135 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: "For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $400,000,000; of which $341,865,000 is for basic field programs; $8,950,000 is for Native American programs; $12,759,000 is for migrant programs; $1,402,000 is for law school clinics; $1,274,000 is for supplemental field programs; $795,000 is for regional training centers; $9,611,000 is for national support; $10,564,000 is for State support; $1,101,000 is for the Clearinghouse; $651,000 is for computer assisted legal research regional centers; $10,928,000 is for Corporation management and administration; and $100,000 is for board initiatives."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 138 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$1,704,589,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 139 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment insert:

and for expenses of general administration: *Provided*, That notwithstanding section 502 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts, "Diplomatic and Consular Programs" and "Salaries and Expenses" under the heading "Administration of Foreign Affairs" may be transferred between such appropriation accounts: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 140 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$396,722,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 141 to the aforesaid bill, and concur therein with an amendment as follows:

Delete the matter stricken and delete the matter inserted, and strike all on line 24, page 57 of the House engrossed bill, H.R. 2519, and all that follows through line 3, page 58.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 142 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$410,000,000, of which $10,000,000 is for relocation and renovation costs necessary to facilitate the consolidation of overseas financial and administrative activities in the United States".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 147 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $860,885,000: *Provided*, That any payment of arrearages made from these funds shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations, ten percent of said assessment shall be available for obligation only upon a certification to the Congress by the Secretary of State that the United Nations has established an independent office with responsibilities and powers substantially similar to offices of Inspectors General authorized by the Inspector General Act of 1978, as amended: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 148 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$401,607,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 149 to the aforesaid bill, and concur therein with an amendment as follows:

Delete the matter stricken and delete the matter inserted, and on line 5, page 60 of the House engrossed bill, H.R. 2519, strike ", of" and all that follows through "arrearages" on line 7.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 150 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: ": *Provided*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 159 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 503. Funds appropriated or otherwise made available under this Act or any other Act may be expended for compensation of the United States Commissioner of the International Boundary Commission, United States and Canada, only for actual hours worked by such Commissioner.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 161 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: "$53,500,000, of which not less than $9,500,000

is available until expended only for payment of United States contributions to the Preparatory Commission for the Organization on the Prohibition of Chemical Weapons."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 162 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum "$206,000,000" named in said amendment insert: "$210,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 166 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment insert: "to include other educational and cultural exchange programs, $242,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 169 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

BROADCASTING TO CUBA

RADIO BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended (22 U.S.C. 1465 et seq.) (providing for the Radio Marti Program or Cuba Service of the Voice of America), including the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception as authorized by 22 U.S.C. 1471, $14,000,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a), of which $5,000,000 shall be withheld from obligation until 30 days after the Director of the United States Information Agency submits a report to Congress which certifies receipt of the report of the Advisory Panel on Radio Marti and TV Marti and specifies the measures the United States Information Agency is taking with respect to the recommendations of the panel.

TELEVISION BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Television Broadcasting to Cuba Act (22 U.S.C. 1464aa et seq.), including the purchase, rent, construction, and improvement of facilities for television transmission and reception, and purchase and installation of necessary equipment for television transmission and reception, $7,000,000, to remain available until expended: *Provided*, That not later than July 1, 1994, the Director of the United States Information Agency shall submit to Congress, after consulting with the Board for International Broadcasting and after taking into account any relevant recommendations of the Advisory Panel on Radio Marti and TV Marti, his recommendations as to whether TV Marti broadcasting is technically sound and effective and is consistently being received by a sufficient Cuban audience to warrant its continuation and whether the interests of the United States are better served by maintaining television broadcasting to Cuba, by terminating television broadcasting to Cuba and strengthening radio broadcasting to Cuba, or by funding other activities related to promoting democracy in Cuba authorized by law: *Provided further*, That of the amount appropriated in this paragraph, $2,500,000 shall be withheld from obligation until after July 1, 1994, and, after that date, funds shall be available only for the orderly termination of television broadcasting to Cuba unless the Director of the United States Information Agency determines, in the report to Congress called for in the Administration Provision Establishing the Advisory Panel on Radio Marti and TV Marti, that maintaining television broadcasting to Cuba is technically sound and effective, is consistently being received by a sufficient Cuban audience to warrant its continuation, and is in the best interests of the United States.

ADMINISTRATIVE PROVISION ESTABLISHING THE ADVISORY PANEL ON RADIO MARTI AND TV MARTI

(a) ESTABLISHMENT.—There is established an advisory panel to be known as the Advisory Panel on Radio Marti and TV Marti (in this section referred to as the "Panel").

(b) FUNCTIONS.—The Panel shall study the purposes, policies, and practices of radio and television broadcasting to Cuba (commonly referred to as "Radio Marti" and "TV Marti") by the Cuba Service of the Voice of America.

(c) REPORT.—Not later than 90 days after the date on which the members of the Panel have been appointed pursuant to subsection (d), the Panel shall submit to the Congress and the United States Information Agency (USIA) a report which shall contain—

(1) a statement of the findings and conclusions of the Panel on the matters described in subsection (b); and

(2) specific findings and recommendations with respect to whether—

(A) such broadcasting consistently meets the standards for quality and objectivity established by law or by the United States Information Agency;

(B) such broadcasting is cost-effective;

(C) the extent to which such broadcasting is already being received by the Cuban people on a daily basis from credible sources;

(D) TV Marti broadcasting is technically sound and effective and is consistently being received by a sufficient Cuban audience to warrant its continuation;

(d) COMPOSITION.—(1) The Panel shall be composed of three members, who shall among them have expertise in government information and broadcasting programs, broadcasting journalism, journalistic ethics, and the technical aspects of radio and television broadcasting.

(2) The Director of the United States Information Agency shall appoint the members of the Panel not later than 30 days after the date of the enactment of this Act. Individuals appointed to the Panel shall be noted for their integrity, expertise, and independence of judgment consistent with the purposes of the Panel.

(3) Each member of the Panel shall be appointed for the life of the Panel. A vacancy in the Panel shall be filled in the manner in which the original appointment was made.

(4) Each member of the Panel shall serve without pay, except that such member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with Sections 5702 and 5703 of title 5, United States Code.

(e) TEMPORARY PERSONNEL.—The Panel may procure temporary and intermittent services under Section 3109(b) of title 5, United States Code (relating to employment of experts and consultants), at rates for individuals not to exceed the maximum rate of basic pay payable for GS-15 of the General Schedule.

(2) Upon request of the Panel, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of the agency to the Panel to assist it in carrying out its duties under this section.

(3) SUPPORT SERVICES.—The United States Information Agency shall provide facilities, supplies, and support services to the Panel upon request.

(f) TERMINATION.—The Panel shall terminate immediately upon submitting its report pursuant to subsection (c).

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 170 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

NORTH/SOUTH CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991, (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, $8,700,000, to remain available until expended: *Provided*, That funds appropriated by this Act for the United States Information Agency and the Department of State may be obligated and expended at the rate of operations and under the terms and conditions provided by H.R. 2519 as enacted into law, notwithstanding section 701 of the United States Information and Education Exchange Act of 1948 and section 15 of the State Department Basic Authorities Act of 1956 except that this proviso shall cease to be effective after April 30, 1994 or upon enactment into law of H.R. 2333, the State Department, USIA, and Related Agencies Authorization Act, Fiscal Years 1994 and 1995 or similar legislation, whichever first occurs.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 174 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE

SEC. 606. (a) PURCHASE OF AMERICAN MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, to the extent feasible, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Head of the agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 607. (a) None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

(b) None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), conversion, or modernization of aircraft for the National Oceanic and Atmospheric Administration in facilities located outside the United States and Canada.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 175 to the aforesaid bill, and occur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 608. (a) Funds appropriated under this Act to the Legal Services Corporation and distributed to each grantee funded in fiscal year 1994, pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area, shall be distributed in the following order:

(1) grants from the Legal Services Corporation and contracts entered into with the Legal Services Corporation under section 1006(a)(1) of the Legal Services Corporation Act, as amended, shall be maintained in fiscal year 1994 at not less than the annual level at which each grantee and contractor was funded in fiscal year 1993 pursuant to Public Law 102-395; and

(2) each grantee or contractor for basic field funds under section 1006(a)(1) shall receive an increase of not less than 2.5% over its fiscal year 1993 grant level. Any additional increase in funding for grants and contracts to basic field programs under section 1006(a)(1) shall be awarded to grantees and contractors funded at the lowest levels per-poor-person (calculated for each grantee or contractor by dividing each such grantee's or contractor's fiscal year 1993 grant level by the number of poor persons within its geographical area under the 1990 census) so as to fund the largest number of programs possible at an equal per-poor-person amount; and

(3) any increase above the fiscal year 1993 level for grants and contracts to migrant programs under section 1006(a)(1) shall be awarded on a per migrant and dependent basis calculated by dividing each such grantee's or contractor's fiscal year 1993 grant level by the state migrant and dependent population, which shall be derived by applying the state migrant and dependent population percentage as determined by the 1992 Larson-Plascencia study of the Tomas Rivera Center migrant enumeration project. This percentage shall be applied to a population figure of 1,661,875 migrants and dependents. These funds shall be distributed in the following order:

(A) forty percent to migrant grantees and contractors funded at the lowest levels per migrant (including dependents) so as to fund the largest number of programs possible at an equal per migrant and dependent amount; and

(B) forty percent to migrant grantees and contractors such that each grantee or contractor funded at a level of less than $19.74 per migrant and dependent shall be increased by an equal percentage of the amount by which such grantee's or contractor's funding, including the increases under subparagraph (A) above, falls below $19.74 per migrant and dependent, within its State; and

(C) twenty percent on an equal migrant and dependent basis to all migrant grantees and contractors funded below $19.74 per migrant and dependent within its State.

(b) None of the funds appropriated under this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by or contrary to any of the provisions of—

(1) section 607 of Public Law 101-515, and that, except for the funding formula, all funds appropriated for the Legal Services Corporation shall be subject to the same terms and conditions as set forth in section 607 of Public Law 101-515 and all references to "1991" in section 607 of Public Law 101-515 shall be deemed to be "1994" unless subparagraph (2) or (3) applies;

(2) subparagraph 1, except that, if a Board of eleven Directors is nominated by the President and confirmed by the Senate, provisos 20 and 22 shall not apply to such a confirmed Board;

(3) authorizing legislation for fiscal year 1994 for the Legal Services Corporation that is enacted into law.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1994—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, there will now be 1 hour of debate on the conference report on H.R. 2520, the Interior appropriations bill for fiscal year 1994. The time for debate is equally divided and controlled by the Senator from West Virginia [Mr. BYRD] and the Senator from Oklahoma [Mr. NICKLES].

Several Senators addressed the Chair.

Mr. BYRD. Mr. President, if the Senator will yield.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Did the Chair recognize the Senator from Wyoming?

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, I yield time under my control to the distinguished Senator from Nevada [Mr. REID].

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

PRIVILEGE OF THE FLOOR

Mr. WALLOP. Mr. President, in the absence of Senator NICKLES, let me propound a unanimous-consent request.

I ask unanimous consent that the privilege of the floor be granted to the following members of the minority Energy Committee staff: Jim Beirne, Jim O'Toole, Kelly Fischer, Carol Craft, Marian Marshall, Gerry Hardy, Camille Heninger, Judy Pensabene, Richard Grundy, and Howard Useem, during the pendency of H.R. 2520.

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

Mr. WALLOP. Mr. President, I ask unanimous consent that Jim Tate and Dave Mills be granted the privilege of the floor during the consideration of H.R. 2520.

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

Mr. STEVENS. Will the Senator yield to me just 30 seconds?

Mr. WALLOP. I yield to the Senator.

A HALT TO NUCLEAR DUMPING

Mr. STEVENS. Mr. President, yesterday I criticized Russia for the dumping of nuclear waste. I am pleased to announce to the Senate that Russia has announced a halt of the second planned nuclear dump.

I ask unanimous consent that the Reuter announcement from Russia and the article from this morning's Washington Post be printed in the RECORD.

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

RUSSIA ANNOUNCES HALT TO SECOND NUCLEAR DUMP

MOSCOW, October 21.—Russia announced on Thursday it would not ditch a second load of nuclear waste in the Sea of Japan following protests about an earlier dumping mission.

Ecology Minister Viktor Danilov-Danilyan told a news conference after a cabinet meeting: "The prime minister has decided to suspend the second dumping of waste. A second dumping will not take place in the near future."

Danilov-Danilyan said Russia would urgently look into building a factory in the Far east to process radioactive waste and said if this were built quickly it might be possible to avoid dumping any more waste at sea.

"If, however, this takes some time, more than a year and a half, Russia will probably be forced to dump more waste," he said.

When Russia poured 900 cubic meters (32,000 cubic feet) of liquid radioactive waste from scrapped atomic submarines into the sea off Japan last weekend there was an angry response from Tokyo, Seoul, Washington and others.

Despite this, Moscow initially said it would go ahead with a plan to dump a second load of 800 cubic metres (28,000 cubic feet) in the next few days, arguing it was safe and in any case all land sites were full. But it came under intense pressure to back down.

[From the Washington Post, Oct. 21, 1993]

RUSSIA RETHINKS NUCLEAR DUMPING

(By Fred Hiatt)

MOSCOW, October 20.—Facing international protests over their dumping of radioactive waste into the Sea of Japan on Sunday, Russian officials said today that they may postpone or cancel a second dumping scheduled to take place soon.

Ecology Minister Viktor Danilov-Danilyan told Prime Minister Viktor Chernomyrdin that the permit for a second dumping of low-level liquid radioactive waste should be revoked, according to a spokesman who said the question is likely to be resolved at a cabinet session Thursday. The waste, mostly residue from cleaning and deactivating nuclear-powered submarines, is pumped directly into the ocean by hose, with no containers used, according to the environmental group Greenpeace, which has trailed the Russian barges hauling it.

The retreat followed strong protests from Japanese officials, who were especially angry about the action since it followed by less than a week Russian President Boris Yeltsin's state visit to Tokyo. During that visit, the problem of nuclear waste disposal was discussed, but Yeltsin did not mention—and may not have known—that the Russian navy was planning to discharge 1,700 tons of liquid waste into the Sea of Japan.

Secretary of State Warren Christopher, who is about to visit Moscow, also called on the Russians to halt the dumping, and U.S. officials in Tokyo said Christopher is determined to get a firm commitment from the Russians that the dumping will stop. Christopher's intervention followed an appeal by Japanese officials to Walter F. Mondale, the new U.S. ambassador in Tokyo, after the Russians brushed aside their own protests to Moscow, saying they had no alternative to dumping the waste in the Sea of Japan.

Today, Russian Foreign Minister Andrei Kozyrev told his Japanese counterpart, Tsutomu Hata, that he would relay Japan's concern to Yeltsin. The two ministers also agreed that such a problem, "arousing public anxiety in both countries," once might have triggered a "bitter confrontation," but that "now, when bilateral relations are entering a new phase, both sides should energetically search for ways to resolve it," according to a Russian spokesman.

Earlier today, Ecology Ministry spokesman Yuri Kazakov said the dumping poses no environmental hazard. He said 900 tons had been dumped at sea Sunday, and the remaining 800 tons may be spilled out into a Russian harbor because of protests from both Japan and South Korea.

But later in the day, Kazakov indicated the government had reconsidered. "It is probable that the second dumping will not take place," he told the Reuter news agency. But he said that if Russia does not find a solution to its waste disposal problem, it will recur in a few months.

The dumping of liquid waste at sea appears to violate Russian law and a voluntary international moratorium that Russia has agreed to. But it has been a public relations disaster for Russia, partly because officials appear to have handled the issue in Soviet style.

Last week, in response to inquiries from The Washington Post, a Russian navy spokesman denied that any dumping was planned. A Greenpeace ship shadowing the navy tanker leaving the port of Pavlovsk was the first to report that a dumping operation was underway. Russian officials notified international organizations before authorizing the disposal but neglected to inform Japan directly.

As early as July, however, a senior Russian admiral had said Russia would soon dump radioactive wastes into the ocean because it has no storage space left and no funds to build disposal facilities on land. "Our storage facilities—two in the north and two in the Far East—are practically 100 percent full, and there is nowhere to put the spent fuel," Vice Adm. Viktor Topilin told the Moscow newspaper Izvestia.

Russian's nuclear-powered submarines and icebreakers produce 6,000 tons of solid radioactive waste and 26,000 cubic yards of liquid waste each year, according to a recent Russian government report. But much of the waste remains in floating tankers, and many retired nuclear subs remain afloat because the navy has nowhere to put them.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1994—CONFERENCE REPORT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, I ask unanimous consent that the time under my control be allocated to the Senator from Wyoming for his control.

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

Who yields time?

Mr. WALLOP. Mr. President, let me inquire of the Senator from New Mexico how much time he wishes.

Mr. DOMENICI. I will take 5 minutes.

Mr. WALLOP. I yield 5 minutes to the Senator.

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

Mr. DOMENICI. Mr. President, first I want to thank Senators who have supported us in this cause. We had 59 Senators vote with us. We asked only for fairness, and that was to give the ranching community of America 1 year to consider the effects of proposed rulemaking and Executive order mandates.

We prevailed, and the Senate gave us that year. That would also permit the authorizing committees, including the Energy and Natural Resources Committee, to work its will on some very new concepts that we have never had hearings on that affect the ranchers.

To those Senators who voted with us, I thank each and every one of them. To the 41 who have signed a letter to our leadership saying that they would support us in this extended debate and not vote to close off debate on this bill, I thank them; and I thank the others who are not on the letter who intend to support us. We think we have fairness and justice on our side. We only ask for a year for the committees of jurisdiction, with reference to the new land management proposals, which affect the daily lives of our ranchers in ways we cannot even fathom yet, because there are no hearings, there are no economists, no bankers, no ranchers, no conservationists that have appeared to testify about the ill effects of this.

Having said that, I want to set the record straight on another thing. Yesterday, in the debate on the floor on this issue, Chairman MILLER rose to speak, and I will quote one paragraph. He said to his Speaker:

> Because of the efforts of this committee not choosing to authorize, but the fact that we were provided no other forum, and even in these negotiations, Senator REID invited the Republican Senators, the Western Senators, to participate, some of them did and some of them opted out because they preferred gridlock. That is not fair to the taxpayer.

Now, Mr. President, the Western Senators who have joined in the cause and I have heard on the floor—it is almost all of them—did not propose any gridlock. In fact, we said, dozens of times, let us negotiate grazing fees. There was already a grazing fee proposal on the table that Senators CAMPBELL and WALLOP had offered. No hearings have been held on that, but that is not the issue.

There are 16 management changes that are proposed in the rulemaking process by the Secretary of the Interior, to be followed by Executive orders imposing 16 new major approaches to land management, and on those there have been no hearings. We do not ask for delay. We ask for a reasonable period of time to have hearings on those particular Executive order changes.

There are 16 of them. Indeed, we believe the ranchers of America and of my State will be in very bad financial shape if those 16 are imposed. Therefore, we felt we should only negotiate the grazing fees. Frankly, it was decided by the Secretary of the Interior and others—presumably my friend Senator REID—that the negotiations would occur with the House authorizing committee and the Secretary of the Interior. In fact, I believe Senator REID said he opted for that, and he would bring that back if he got it done and see what we thought about it.

Obviously, we do not think much of it, and that is our prerogative. We think we are right, and we think we are being fair to a large group of Americans who need fairness from the Congress on this issue.

Now, what we are debating today is whether or not we are going to capitulate to an agreement made, now rendered into words and encapsulated in an Interior appropriations bill. It is 19 pages of new authorizing language that will change 270 million acres of Bureau of Land Management land and the thousands of ranching families that relate to it, that have ranches that include it, that have estates that include it, that have houses for themselves and their children that include these large grazing permits.

Now, frankly, I have not heard as much as I thought from the Department of the Interior and those in it who I believe do not want grazing on the public domain.

I wish to insert in the RECORD my remarks on the provisions that are going to change the lifestyle and take away the livelihood of thousands of ranchers.

For those who think this is conservation, that we need conservation on the public domain, that we need 16 new changes, I wish to submit for the RECORD once again the memorandum to Secretary Babbitt, internal to his office, which clearly indicates that grazing lands of the West within the Bureau are in the best condition in 100 years. That is in their own statement, not mine.

So what is this all about? I think partially there are many in Interior who do not want grazing, do not want multiple use, want a whole new idea. We do not know what it is, but we think it bodes poorly for using the public domain to make a livelihood in a reasonable manner.

I ask that this memorandum be made a part of the RECORD.

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

MEMORANDUM

To: Secretary Babbitt, Tom Collier, Jim Baca.

From: Kevin Sweeney, Lucia Wyman.

Date: June 23, 1993.

Re: Grazing issues—one disagreement, one suggestion.

1. LET'S NOT ISSUE DRAFT REGS WITH A RANGE OF POSSIBLE FEES

A shift in the Administration's approach to mining and grazing revenues was the most

visible sign of backsliding on the budget. Part of our rule this summer is to help them get back on track—to give them a clear victory in this area. For that reason, we do not think we should release draft regulations which have a range of possible fees. That might make it seem as if the Administration is unwilling to take the heat and it might drag the issue out over a much longer period. We can help the Administration look decisive.

We realize you want to use price increases as a straw man to draw attention from management issues. But there are other ways this might be done.

There are already people out there who are raising the specter of $8 and $12 AUM's. Others are raising expectations for us; we may not need to do this on our own.

We could also begin to talk about a range of possible fees during the month of July. We can do this through leaks, press releases, op-eds, whatever. But we would keep this period of uncertainty limited—so that the Administration's position gets clear fairly soon.

2. WE NEED TO SELL THESE REGS—IN ADVANCE

We've not yet done enough to sell the public and media on what will be coming out in the regs. We should work to justify what is in the regs before they actually come out.

There are two major changes which will come out in the regs, and we should construct a few events that help us justify those changes.

Riparian Protection. We should have one or two field trips to focus on riparian zone protection. One is tentatively scheduled for Arizona on July 9—depending on DECONCINI's schedule. If he can't make it, we should still do the event, through we needn't do it in Arizona.

Grazing Committees. We may want to have one public meeting in the West where we have a panel of people who sit on grazing committees and multiple use committees talking about how their operations work. The goal would be to have the strengths and weaknesses of the various systems surface.

3. ATTACHMENT

Attached, FYI, is a draft communications plan for the grazing regs. We think it shows we're not relying solely on you to push these regs.

GRAZING POLICY COMMUNICATIONS PLAN, INTERIOR OFFICE OF COMMUNICATIONS, JUNE 23, 1993

I. GENERAL APPROACH

Project Goal

The following are the goals for the communications strategy, which should last through the summer:

Introduce the new regulations into a Western environment that is somewhat receptive; and manage the first public comments so the regs are perceived to be fair and in the long-term interest of the region.

Ultimate Story Lead

We'd like stories and editorials to focus on the following points:

The new regulations show real balance: they call for greater protection of the land, but don't lead to excessive regulation or monitoring problems.

They recognize that many things are best done on the local level: riparian zone regulations are run out of Washington, but herd size will be determined at the local level. Local control has therefore been given when necessary.

The fee increases are not so bad, and are far below what many opponents said they would be.

They bring better participation to the process and help avoid past problems in grazing committees by shifting towards the Forest Service model.

II. STEPS PRIOR TO RELEASE OF REGULATIONS

Specific Goals

Prior to the release, we should consider steps to adjust expectations in the following areas:

Riparian Zones. Our own statistics can be used to show the range is in better shape than at any point in this country. With that in mind, we must make deliberate and public attempts to prove how bad the conditions are in many riparian zones.

Grazing Committee/Multiple Use Committees. We should highlight the difference between the Forest Service model and the BLM model. We may also want to prove to Westerners that the grazing committees have often abused their power and need to be reformed to allow the West to be more productive.

Tactics

Early July: Series of Bob Armstrong and Jim Baca one-on-one interviews with western reporters focusing on grazing committee structural problems and riparian zone issues. Done from Washington or on the road.

Early July: Begin letting reporters know we are shifted away from the incentive-based approach to range management. The positive spin is that we heard during the hearings that this might not work and might require too much management: Secretary Babbitt is listening.

July 9: Western field meeting and tour focusing on the need for riparian zone protection. There can be public participation, but the majority of the activities must underscore riparian protection. This is more of a media event than the four previous hearings—we don't need to accommodate hundreds of people.

Mid-July: Hold a Western field hearing on the difference between different models for supervising committees affiliated with both the USFS and BLM. This would allow committee members to comment on the strengths and weaknesses of each system. It will pave the way for a major change in committees.

Mid-July: Congressional hearing on problems in the grazing committees—abuse of power and funds. We would need to request this very soon.

Mid-July: Secretary Babbitt, Lyons, Armstrong, Robertson and Baca op-eds focus on two main substantive issues: management of riparian zones and herd size.

Mid-July: Conference call press conferences with Secretary Babbitt, focusing on grazing issues.

Late July: Briefing for Members of the House and Senate on the general approach.

Late July: Announce dates and locations for the hearings where the public will be allowed to comment on the draft regulations. By releasing this date before hand, we show that the process is still fluid and that people will still have a chance to weigh in. This may help to soften some opposition.

Late July: External affairs arranges briefing for cowboys and environmental groups on the general direction for changes in grazing policy.

III. STEPS DURING WEEK WHEN REGULATIONS ARE RELEASED

Goals

Recognizing that the first impression often sticks, the primary goals for this period are to:

Make sure our friends (and others) hear about the release prior to reading about it in the paper; make sure our friends know what to say if they are interested in supporting our efforts; and make sure editorial writers and others have the information they need to write favorable stories right away.

Tactics

Prior to: Send FedEx packages to editorial writers so they have full information about the regs on the day of release. Included are press release, fact sheet, and supportive analytical documents.

Day of: Morning briefing for Senators and Members of Congress.

Day of: Mid-morning, pre-press conference briefing for environmental groups.

Day of: Late morning news conference on the day of the announcement.

Day of: Babbitt, Lyons, Armstrong and Baca do telephone interviews with editorial writers in the West.

Day after: Babbitt does one or two day road show to raise the flag for the new regs. Once done, his participation in this process is concluded.

IV. POST RELEASE

Hold public hearings to receive substantive comment on the new regulations. These may need to be held where there have been successful management efforts in riparian zones—we want some locals who will be vocal in their support of these proposals.

External affairs manages receipt of public comment at the outset only; responsibility then transfers entirely to BLM.

Mr. DOMENICI. I thank the Senator for yielding time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I feel maybe in a little bit of an awkward position as ranking member on this appropriations subcommittee and as a person who would like to see this appropriations bill passed and become law.

But I tell my colleagues, when this episode happened in the conference committee, we received 19 pages of law dealing with grazing, and I mentioned then I am open to increasing grazing fees, and I believe the Senator from New Mexico and the Senator from Wyoming and others have said they are open to increasing grazing fees. But what I really object to is receiving 19 pages of substantive law changes to be dropped on us. We had not seen it. We did not know what it was. Clearly, it is legislation on an appropriations bill that does manage hundreds of millions of acres.

I think the Senators who are objecting to this, whose States will be directly involved, have every right to do so, and I predicted at the time, if they insisted on this approach—and it passed by one vote in the conference committee on the Senate side—they were going to have a filibuster, and that is what we are engaged in now, I am afraid.

I believe the Senators on this side probably have the votes to sustain that filibuster. So we are going to be involved in the CR for the next week. I do not know what is going to happen at the end of next week, but we will have to find out. I think my colleagues raise legitimate points on details, and we should not be legislating on this appropriations bill.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I thank the Senator from Oklahoma a great deal. It gives us some confidence there is recognition that really this is genuinely legislation on an appropriations bill. This is not about fees. This is about changing the whole relationship of the West to the Federal Government, its biggest landowner.

I yield 8 minutes to the Senator from Colorado [Mr. CAMPBELL].

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CAMPBELL. I thank my friend from Wyoming.

Let me say, Mr. President, that today's discussion is clearly the opening shot of what I believe will be the second sagebrush rebellion. It is a shot aimed at about 26,000 hardworking families in 13 Western States. But just as the shot that was spoken of over two centuries ago was heard around the world, this is going to be one heard by all who live in the West.

As has already been mentioned, it would codify roughly 19 pages of authorizing language in an appropriations bill without any input or hearings. The language has been called a compromise, but it is no compromise when Washington bureaucrats and the Sierra Club get what they want at the expense of families and local communities. These changes will literally destroy many rural western communities. Congress and the people who live in the West certainly deserve better and need an opportunity to discuss the issue more thoroughly.

Mr. President, many Senators will take the floor in the next hour and tomorrow morning and speak, probably more articulately than I can. But let me say the administration has said these grazing reforms are necessary. In my view, however, we are facing the mother of all appropriations smokescreens. While we are being told to focus on the question of how much western ranchers should pay to graze cattle, that is really a very small part of the whole issue. All of these pages, the 19 pages worth, are being quietly swept through this Congress and this Senate without any input whatsoever. These changes are supported by those who clearly do not believe in the concept of multiple use and are determined to drive those who earn a living on the public land into bankruptcy.

I do not find fault with any of my colleagues or any Senator, particularly Senator REID, whom I have worked with and who has toiled so long and hard to try to find some kind of an equitable compromise, and in fact, as I mentioned, I have worked with him.

From my view, this is not the solution. There are winners and losers clearly in this compromise. The winners are going to be those who view the West as one big park to be left untouched by man or beast so that they can have an unsullied experience on their vacation.

The losers are not going to be the super rich who have been alluded to who have some of the permits. The 26,000 hardworking families, who earn now an average of $20,000 a family and who must rely on grazing permits to survive, will lose. They will only be the visible losers.

The agriculture property tax base erodes small towns. School districts, hospital districts, fire districts, to name a few, will also suffer. And yet on another plane, hundreds of small businesses, implement dealers to hardware stores, and small banks to car dealers will also suffer from the loss of sales to those ranch families who spend their discretionary money in local communities.

Make no mistake about it, Mr. President. Those who oppose the conference report will have much more to say, but contrary to what we may be hearing, we are not stonewalling.

Senator DOMENICI of New Mexico already mentioned that we could have a bipartisan bill. We want to deal with it. It was our promise to President Clinton last spring when he, to the chagrin of the environmental community, dropped the grazing fee increase from his budget resolution in return for our willingness to solve the problem legislatively.

To do a sort of end run in the back rooms here in the Senate and slip 19 pages of changes to be codified in an appropriations bill, not only flies in the face of the rules of this body, but in fairness as well. The administration has said its proposal for reform is based on ideas, suggestions, initiatives, and feelings brought to the agencies in recent years. We do not know who brought those ideas, who brought those suggestions or initiatives forth. But I think it is probably the same crowd that passes out the bumper stickers "Cattle Free in '93" in the American West.

The department's statement and its notice of advanced rulemaking stated that the department feels the actions presented in this notice are the measures that must be taken to ensure proper administration of livestock grazing, further suggesting that the proposal is based only on emotion and politics.

Indeed, the proposal does not refer to or rely on any inventory of valid data reflecting changes or conditions in the range lands. There is no environmental or economic analysis cited or explained to demonstrate a need for these sweeping changes. The principles of biological diversity and ecosystem management are only proposed for one of many uses on the public lands.

The reforms strangely omit land users such as mining, oil, gas, recreation, fish and wildlife. All of these things will be impacted. Other user groups would be included in this effort, too, if they knew the precedent that this conference report sets.

I am also concerned with the information received at the town hall meetings that the Secretary of Interior did in the American West. Much of that has not been considered. Thousands of ranchers and those people who would be impacted testified, and yet little of their testimony is being heard in this body or in this so-called compromise.

I certainly support consistency changes of BLM and Forest Service management resources. But this is the wrong way to do it because several of these so-called consistency changes fail to reflect a specific statutory direction found in other existing laws such as the Taylor Grazing Act, Federal Land Management Policy Act, and the Public Rangeland Improvement Act, to name a few. Few if any of the proposals will actually improve the existing range lands, and in fact the BLM itself in an internal memo has said the range is in better condition than it has been in the last 50 years.

Meanwhile, the authorizing committee, on which I serve and on which Senator WALLOP serves, has virtually been locked out of the decisionmaking process.

That is not what I got elected to do—hand over all of the authority to the administration. In fact, when the current grazing fee formula was administratively enacted several years ago, the Reagan administration worked with the congressional leaders to develop a well-thought-out fee formula. Only after those meetings failed, did the administration then move forward to unilaterally pass the fee increase.

Hearings have never been held on grazing this year. And I know that flies in the face of fairness, and certainly the rules too.

I do not want to monopolize all of the time, Mr. President. I would urge my colleagues to defeat this end run of the authority vested in this body by appointees who answer to no one.

I yield the floor.

Mr. WALLOP. Mr. President, I thank the Senator from Colorado especially for that statement.

He correctly states that a completely new relationship between our Federal landowners and the people of the West will exist if these 20 pages that are outside the grazing fee are enacted. This Congress, and the President's budget package, will remember that it saw fit

to deny Americans the privilege of deducting their lobbying expenses. Large corporations can do that because they will be called legal expenses. But your ranchers, my ranchers, my propane dealers, and your small businessmen will have to come here on their own. And now, by golly, they are saying even if you come here they cannot be heard. The hearing process, the committee process is to be denied.

Mr. CAMPBELL. Mr. President, if my friend will yield, I might suggest this has far reaching ramifications. In our State of Colorado for instance the ski industry uses public lands and has over 60,000 employees which provides about half of our whole tourism industry.

We do not know what kind of a precedent this will cause. Indeed rules will set forth other industries besides ranchers. It goes much further than just the ranchers.

Mr. WALLOP. Let me just say to the Senator from Colorado, that in these 20 pages are management changes that will affect today the way they do business. Nobody knows how many or to what extent. That is the problem of doing this without using the ordinary committee process.

It is not fair, and it is not the right way to do business when you are toying with peoples lives. This is not just the rancher issue. This is the issue of the West, the small towns in the West, the small banks of the West, the communities of the West and how they exist.

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

The PRESIDING OFFICER. Who yields time?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I would want the record to reflect in all of these references to western Senators there is no Senator in this Chamber now, nor ever has been, that is more western than the Senator from Nevada. I was born in a small mining community in the southern part of the State of Nevada that also had grazing for the cattlemen. I live there. I was born there. My brothers were born in Search Light. I had five children graduate from schools and high school in Nevada.

So let us make sure that we understand that this Senator and other Senators who support this measure are also western Senators.

Mr. President, when the moratorium came before this body, I was one of the cosponsors of that moratorium. As I proceeded through these desks that evening asking people to vote with me, there were a number of Senators who said Senator, frankly—they said HARRY, I will vote with you but I need you to tell me that you will work something out. We do not need to keep doing this every year as we have done. I took them at their word and proceeded to try to resolve this issue.

Mr. President, we did resolve this issue. I want everyone within the sound of my voice to understand that the debate should be over because facing this body today are two choices. Either you take the Reid amendment which, in my estimation, is a reasonable compromise—and even if it is not a reasonable compromise, it is the best that we can do—or you take Bruce Babbitt's proposals in their entirety.

Mr. President, I received a call this morning from the chairman of the House Natural Resources Committee, GEORGE MILLER from California. He called me and he said, did you see the vote yesterday? Of course I saw the vote yesterday; 307 to 104, whatever the numbers were, a 3 to 1 vote by the House supporting this amendment.

Chairman MILLER went on to say, as was told me on numerous occasions and as I announced in the conference, that the House will take nothing less. We cannot change a comma, we cannot change any of the numbers. Mr. President, the choices are two, Reid or Babbitt.

The vote was 317 to 106, a 3 to 1 margin. The House is not going to change. I believe, as I have indicated previously, the Reid proposal is fair.

We also must understand how things have changed in the House of Representatives. When I served in the House, and in my early years in the Senate—in fact, until last year—when we would send a conference report they would vote up or down the conference report. And frankly, on many occasions, there were things in the conference report that perhaps a majority of the House Members did not want. No longer do they have that procedure. Rules are passed over there every time a conference report comes up. And they vote up or down matters in it. We know that. As recently as day before yesterday, they killed this year a proposal to fund the superconducting super collider for $640 million—gone, dead, history. The advance rocket motor, gone, dead, history. On grazing fees we sent something over there, a change from this compromise. The same thing—gone, dead, it is all history.

This compromise, I repeat, is the minimum the House and Secretary Babbitt will accept. There is no one in this Chamber that I serve with that I have more respect for than the junior Senator from Colorado. The junior Senator from Colorado has worked this issue very hard. I am sorry that we do not agree on this issue.

Let us talk about the Reid amendment a little bit. We have the Reid amendment that has, after 3 years, a $3.45 grazing fee. Babbitt's, after the same period, would be $4.28. Babbitt has 25 percent a year increase. Mine is limited to 15 percent. My base is 50 cents, approximately, lower than Babbitt's. So at the end of 3 years, Babbitt would be up in the $4.50's. Mine would not be.

I also suggest, Mr. President, that in my amendment, we have codified certain of Babbitt's proposed rules. Why did we do that? We did it because people came to me and said, "Please do not give Babbitt this wide-ranging discretion." I took them at their word, and I fought the House, and I fought the Interior Department, and had these matters placed into law, to take away the discretion that the Secretary would have. Now I am told, after having had armed combat with the House, "You should not have done that. We would rather Babbitt had this wide-ranging discretion that he has."

You cannot please them all, because whatever you try to plug in one hole, they want something else. I want to show you a chart, Mr. President. We are told that we are doing a lot of things differently. Well, I submit that we are not. The Forest Service has had these regulations for years. Look at this, Mr. President. Range improvement ownership, going back to 1906. Conservation use/temporary nonuse, since the 1960's. Full force and effect decisions, since 1907. Prohibited acts, early 1970's. Advisory boards, since 1985. Range improvements funds, since 1976. Water rights on Federal lands, since the early 1900's. Subleasing—there is a lot of criticism about changing that. It is not even allowed on Forest Service property. In my amendment, we continue it.

So we do not change things radically. People have criticized and asked, "Why are you changing water rights?" We did not hear a big complaint from people in the early 1980's when James Watt came in and, without a hearing, just initiated all these changes. All we are doing is saying that we are going to have the Forest Service and BLM the same. It does not sound like that is extraordinary. I even went so far as to give Secretary Watt more than his due, because in my amendment that the conference has accepted, we grandfather in water rights and range improvements. If somebody owns a water right now, they can sell it, give it away, bury it, do anything they want with it. We protect them perfectly. In the future, they will be treated as the Forest Service is treated.

I rejected regulations that Secretary Babbitt was trying to get on. We modified some of the others.

Mr. President, these are things that Babbitt—if this bill is tied up and never allowed to pass, and we knock my amendment out of this legislative process, we will wind up with these things that I have prohibited as a matter of law. In my amendment, these things are prohibited. Do you think Secretary Babbitt would like that? Do you think GEORGE MILLER would like that, or BRUCE VENTO, or MIKE SYNAR?

Of course, they did not, because I could not accept these in good conscience.

Affected interests. It is my assessment that the changes of the definition of "affected interests" would open up the range process to a multitude of appeals which would not be allowed. If somebody was granted 50 new animal units a month, anybody could appeal that. That is not the way it should be.

Grazing preference. I also felt that eliminating this preference would devaluate the permit in the eyes of lending institutions. I knocked that out.

Forage allocation. I think this went too far in consideration of good stewardship of a rancher.

Permit or lease tenure. There was no reason that we stick in what Secretary Babbitt wanted, to limit the tenure to 5 or 10 years.

These are positive changes, Mr. President. And if my amendment is not accepted and Babbitt goes forward with his rulemaking procedures, this will be what the ranchers will wind up with. For heaven's sake, they do not want that. My amendment disallows that. Our fee, as I have indicated, will be lower than Secretary Babbitt's by some 88 cents.

Grassland States. Under my amendment, grassland States will be treated better than under Babbitt's proposal, because he is going to have one grazing fee for everybody. Grassland States benefit significantly from my amendment.

So there are some around here, perhaps not intentionally, who are misleading Members of this body. Let us examine, Mr. President, some of the myths. There are a lot of myths kicking around about my amendment and what has transpired. Let us talk about the back-room deal, or secret negotiations.

I, of course, went in my first meeting with the House, and there were a number of Senators there. We also had a meeting in my office for all western Senators. It would have been easier for me to schedule a meeting and not worry about the schedules of all Republican Senators, but I did—in my office. Anybody that wanted to come could have come to that meeting, and they came. There were interesting things brought out. For example, one of my friends on the other side of the aisle told the Secretary to his face: "If we don't get our moratorium, I am going to agree to nothing."

That is basically what is happening.

Let us also look at this so-called "back-room deal."

Secretary Babbitt held meetings all through the western part of the United States, Mr. President—in Reno; Salt Lake; Albuquerque, NM; Arizona, and all over the West. Thousands of people came to those meetings, and tens of thousands of comments came after those meetings. And, Mr. President, the majority of the comments were that they were not opposed to what he was trying to do. The majority of the comments were in favor of what he was trying to do.

Here is something else that I think says it all. Secretary Bruce Babbitt, had he been a slippery, deceitful con artist, would have simply waited until the appropriations process was finished before he issued his proposed rules. He could have done that, and by the time the next appropriation bill came into being, the rulemaking process would be completed. He did not do that.

Another myth. I have already said that the myth is that we rushed into this. There could not be anything further from the truth. I have talked about meetings all over the West, and these were hearings held. But I wish that I were strong enough to lift these boxes. I probably am not. I have staff here. Maybe we can put them on the chair and give you an idea of the hundreds and hundreds of hearings and studies that have taken place. We have two boxes, and that is all I was able to bring into the building. I have here, Mr. President, a bibliography of 376 studies, reports, and hearings that have been done on this issue.

What would you like to hear about at random? Would you like to hear how they feel about range improvements? Would you like to hear a study done by westerners, or "A Showdown Over Grazing Fees," a long article in the Congressional Quarterly?

How even in New England articles have been written on the subject as have articles been written in the Wall Street Journal. And separate and apart from the news articles on the subject, as I have indicated, I have a box not of news articles but of studies. There have been numerous Government Accounting Office reports.

(Mr. DORGAN assumed the chair.)

Mr. REID. Mr. President, there have been congressional hearings. We have here, for example, "Grazing Lease and Fee Arrangements of Western Governments," and "Agencies for a Study of Local Governments and Other Than Federal Agencies," "Grazing Fees, Leasing Arrangements Done by Colorado State University," prepared by the Forest Service, "Alternatives to the Impact of Federal Grazing Fees," on and on, folder after folder, box after box of hearings and studies.

I think it says a lot, Mr. President, when you recognize—and could I have the next chart, No. 3?

I think if you recognize, Mr. President, one of the reasons that there have not been more hearings is that we have stonewalled it here in the Senate. There have been some hearings. You will see on this chart just hearings in the past year. There have been numerous hearings held on the House side and a significant number of hearings held on the Senate side, for example, a hearing by the Senate Committee on Energy and Natural Resources. They had a hearing on livestock grazing. The House Interior and Insular Affairs Committee had a hearing on a bill to establish grazing fees for domestic livestock.

These are just some of the hearings during the past 5 or 6 years.

The next chart is No. 4. The point is we had numerous studies to stay the lease.

Look at this: "Studies on Grazing Fee Economics," "Study on Grazing on the Ecosystem," "Federal Policy Administration."

There have been study after study, hearing after hearing, report after report, 376 of them in the last 10 years. To say this has not been studied, this has been studied ad nauseam. There have been some criticism—and improperly registered. In this bill, this large bill we have, there is some criticism that there is 18 or 19 pages in this amendment.

One of my friends speaking earlier said this involved 276,000 acres. Maybe the amendment should be longer, because the report is 1 page per 14 million acres. It does not sound too outrageous to me when we have had on the Interior Appropriations Subcommittee bills on previous occasions, one by the ranking member—I believe it was by the ranking member of the Interior Subcommittee and ranking member of the full committee, dealing with forests. It was some almost 40 pages long. It is easy to pick up. A 19-page amendment dealing with 276,000 acres is not very significant.

Authorizers have faced gridlock for well over a decade. In the debate in the House yesterday, they said this issue would come up at the same time every year over there since 1976. One Member got up and said he was feeling some sorrow and melancholy that this is the last time the issue would be brought up in the House. That is a fact.

There is another myth that this is a land grab.

Mr. President, I would like for you or anyone else to try to tell me logically how the Federal Government can grab its own land. It has been established by court decision that a grazing permit is not an ownership right. It is like a lease. It has been established that if you rent a piece of property, real estate, and you put an improvement on it, like a bathroom, when you do not rent that home anymore, you cannot take the bathroom. You can do that if it is personal property.

Mr. WALLOP. Mr. President, will the Senator yield for a question?

Mr. REID. Not now.

In fact, Mr. President, there is an opportunity. For personal property, of course you can take that.

I would also say that, as I have indicated in the previous charts, the Forest Service has this water regulation in effect since 1906.

My amendment, I repeat, puts constraints on Secretary Babbitt, as I think it should, constraints as to grandfathering in the water rights. Range improvements are grandfathered in. In the future, they will be treated just like they will be treated with the Forest Service.

Private property rights, therefore, have been protected. Water and range improvements are grandfathered. The Forest Service never allowed anyone to gain rights of the public water.

This compromise, as I said, when it was approved during the House-Senate conference, is one with which the ranchers are not happy, Secretary Babbitt is not happy, the House conferees are not happy, the House authorizers are not happy, and I am not really happy. But, as I have said previously, that is what a compromise is all about.

When I practiced law—and I did trial work—I always knew a good settlement is one where you walked out of the room and everybody was upset. That is what we have right here. But the thing that must be laid across this RECORD is the fact that if you do not like my compromise, you are going to hate Secretary Babbitt's compromise because his, for the ranching community in the West, is significantly more harsh, more detrimental, and my ranchers are better off by far with constraints on Secretary Babbitt, a lower grazing fee. He could not define for me the proposed national standards and guidelines. I did not know what he was talking about, even though the Forest Service has had it in since 1976.

I felt I could not statutorily put that in place. I do not know how. Therefore, we left it open to rulemaking. That one will go forward in the rulemaking process. The others are codified. The others are prohibited, as I have explained before.

This program over the past decade has cost the American taxpayers over $1 billion. We have subsidized the ranchers. I personally have been willing to do that. I think there comes a time when we should at least have the program pay for itself. Even after 3 years, it will not pay for itself. It will take about 5 years before even the administrative cost of the program will pay for it, and $3.45 after 3 years will not pay for the program, the administration cost.

Is this burdensome and outrageous? The answer is "no."

We must end gridlock. That is what this is all about. This is about this word that the American people have heard on numerous occasions—gridlock. This is gridlock at its finest right here. People are saying "We do not care about our parks. We do not care about the millions of acres of BLM land in Nevada, Arizona, Utah, and New Mexico. We do not care if you are going to close up shop. We are willing to do that because we do not believe the majority should work its will."

That is what we are talking about here. Should a majority of the United States be able to decide with the majority of the House of Representatives and let its will be made? The answer is obviously "no." Gridlock—that is what this is all about, more and more gridlock.

We hear a lot about it. The people who are watching this, the taxpayers who are watching this, should recognize this for what it is, an effort to stymie the will of the people to stop progress, to not recognize change has taken place in this country.

In the House this was not a partisan issue. The Republicans voted for this; the Democrats voted for it. The vote was 317. I do not know what the breakdown was yesterday. On the first vote they had where they had 314 a few weeks ago they had more Republicans voted for it than voted against it. It was 86 to 85. It was very similar yesterday, I am sure. This is not a partisan issue in the country as it is in this body.

Could I ask the Chair how many minutes the Senator from Nevada has?

The PRESIDING OFFICER. The Chair advises the Senator from Nevada has 8 minutes remaining.

Mr. REID. Mr. President, in the House it was bipartisan and it should be bipartisan here. It is not. I doubt in the first gridlock vote if we are going to have a single Member from the other side vote to allow the majority's will to prevail.

You see this debate is not about fees or regulations. This is about change. This is about the West changing. As indicated in an editorial yesterday in the Denver Post, the Denver Post said, among other things, the time has come in the West for an end to the tyranny of the minority. It is only a minority that is holding up progress.

I am quite surprised, because I worked to get this compromise. I have been surprised at the reaction across the western part of the United States, in the newspapers across the western part of the United States. There is no clear indication that sunshine is there, that change is taking place. Editorialists in the papers in Salt Lake City; Reno, NV; Las Vegas, NV; Albuquerque, NM—all over the West—are recognizing that times have changed. The West is changing, as indicated in the editorials all over, and as indicated in the article in the Denver Post.

"A filibuster is threatened by Republican Pete DOMENICI of New Mexico"—I am quoting—"who says President Clinton has declared war on the West."

That is absurd. President Clinton is the first Democratic President in many years to carry the West. And this is an indication that he cares about the West, as indicated by the editorial support for this compromise.

And carrying on with this newspaper article:

A war that will help the Republicans in the next election.

Again, wrong.

I am ready for your war, Domenici told Interior Secretary Bruce Babbitt.

Well, this is not the kind of war we should be involved in where a minority is holding up the will of the taxpayers and the will of the majority. That is wrong.

I submit, Mr. President, that we must face reality. This is not some Senator from Rhode Island or New Hampshire or Kansas talking. This is a Senator from Searchlight, NV, talking. The West has changed. When I grew up, when I was born near Las Vegas, in Searchlight, right outside of Las Vegas, the whole county had about 7,000 people in it. Now it has almost 1 million. Things have changed. Washoe County is now almost a half million people. Times have changed. We need to face that change.

And, again, I repeat, Mr. President, the people of this country, the people of the West, the ranchers of the West, must understand there are two choices: My amendment, which was a reasonable compromise, the best I could do—as I indicated earlier, I wrung every ounce of compromise out of the House and Babbitt—or you get Babbitt in its entirety.

I think you should go for the Reid compromise, and I think it is fair and reasonable. I think it would show the American people that gridlock cannot control what goes on here; that the majority should prevail.

The PRESIDING OFFICER. The Senator from Nevada has 4 minutes and 30 seconds remaining.

Mr. WALLOP addressed the Chair.

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

The Senator from Wyoming controls 13 remaining minutes.

Mr. WALLOP. Mr. President, I yield myself 3 of those minutes.

I will just begin by saying that I am shocked by what I have just heard. This is not about gridlock and this is not about Republicans. This is about westerners trying to survive against an administration and a challenge to the very way in which they live in the West, do business in the West, and try to deal with the Federal Government, which now thinks that all of us are servants and it is king.

Mr. President, gridlock is an offensive word in this instance. America was founded—and I would give this as a lecture to the Senate—on a very simple principle: That the majority does not rule; that the whole basis of having two Senators from Nevada and two from Wyoming and two from California is an indication that the whole idea of American Government was to do one thing, and that was to protect the minority from the tyranny of a majority of one. And, by golly, we are going to hear what this is doing to people.

Let me just say that this is not a compromise. If you take the Reid amendment, you take Bruce Babbitt. We get Bruce Babbitt, but worse. It is in statute now and not an Executive order that can be reversed by reasonable minds.

The House will take nothing else. What in Heaven's name is the House doing lecturing to the Senate? Chairman MILLER wrote this pompous letter saying that, under no set of circumstances, would he ever allow another appropriations bill to come through with authorizing languages on it. The afternoon of that letter, he is there lobbying for the Reid amendment, which is 20 pages of authorization on an appropriations bill. So, apparently, he can change his mind and his word at will, just depending upon how well it suits him.

Talk about wide-ranging discretion.

But the Senator's, the Reid amendment, gives Babbitt rulemaking authority. It does not take it away from him.

Talk about subleasing not being allowed on Forest Service property.

Last night on the House floor, several Members characterized the grazing and range management provisions of the Reid amendment as merely codification of existing Forest Service regulations and pre-1982 BLM regulations.

Mr. President, this is simply not true. And it must be stated that way.

I will go into this in more detail later when we get to the full-blown debate on this.

But, for now, let me give you two examples from the Forest Service.

Under 36 CFR 222.4, a permit may be canceled or suspended for conviction of violation of Federal or State environmental laws.

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

Mr. WALLOP. Mr. President, I yield myself 2 additional minutes.

Under the Reid amendment, section 406(I), that permit may be canceled upon an administrative finding of violation.

Boy, is there a difference. It is like comparing murder with a parking ticket.

Now, Mr. President, another example.

In the current Forest Service regulations, there is nothing about water rights. That is because water rights are determined by State law. Under the Reid-Babbitt language, let me quote:

> The United States shall assert its claims and exercise its right to water developed on public lands to benefit the public lands and resources thereon.

Talk about a thirsty element. The Reid-Babbitt amendment does not even limit the Government's claim of water to grazings.

I tell you, my friends and colleagues, this is not a grazing issue. This is an issue of a war on the West. This is an issue of the assault of the Secretary of the Interior to try to gain control over the West.

You will hear that in his environmental impact statement. The Secretary asserts that if you control water and control grazing, you control the West.

Mr. President, I yield 2 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 2 minutes.

Mr. CRAIG. Mr. President, I thank my colleague from Wyoming for yielding. He is beginning to spell out so very clearly the basis of why we are here and why we are in gridlock at this moment.

Mr. WALLOP. Will my colleague yield?

Mr. CRAIG. Yes.

Mr. WALLOP. Let me suggest that this is not gridlock. This is a fight for survival.

Mr. CRAIG. Well, Mr. President, allow me to explain it further, as I had planned to.

We are in gridlock, and we are in gridlock to protect and preserve fundamental and basic values that we in public policy for over 100 years have said are good for those States in which large public land acreage exists.

My colleague from Nevada has joined with me day after day, over the course of the last several years, in other issues, including mining law, where we defied the urban influence because of our western understanding of how important it was to have reasonable policy that allowed wise resource management of our public lands.

Now, if that is gridlock by definition, I am suggesting that my colleague from Nevada is spelling it two different ways today: When it fits his political interests, it is gridlock. When it fits another one of his political interests, it is called holding the line, Mr. President; it is called beating the opposition; it is called maintaining public policy in this country that serves the Western States in a way that we believe is fundamentally important.

We have heard a variety of interesting arguments coming forward on this important issue.

Let me call the amendment on grazing fees the Babbitt-Reid amendment because, without question, the Senator from Nevada has taken the ideas of the Secretary of the Interior and has begun to mold them into law. It deserves to be called the Babbitt-Reid amendment because that is exactly what it is—18 pages of substantive policy change that the Secretary of the Interior had proposed through an executive order.

The PRESIDING OFFICER. The Senator has consumed 2 minutes.

Mr. WALLOP. I yield 1 additional minute to the Senator.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. CRAIG. Mr. President, the Secretary had proposed an Executive order and he began to figure out he could not get quite that far without the assistance of legislators to put it in public law so he could then begin to propose it through rule and regulation.

One other brief comment that is very important here. This is not a partisan issue. The Presiding Officer asked that his name be mentioned. The Senator from North Dakota, Senator DORGAN, plans to vote with us in opposition to this because of how important it is that the appropriate authorizing committees hold the hearings that are so vitally necessary in the wise and clear crafting of good public policy.

Yes, there were back room meetings. Yes, they did appear late into the night. And, yes, we now have before us on the floor a policy that did not have the kind of public dissemination that it must have if we are going to have the kind of public policy that, in the end, will serve this Nation and its taxpayers well, and certainly those who choose to use the resource of the public lands.

The PRESIDING OFFICER. The Senator from Wyoming has 5 minutes remaining. The Senator from Nevada has 4½ minutes.

Mr. WALLOP. I yield 2 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized for 2 minutes.

Mr. HATCH. Mr. President, I thank my colleague from Wyoming. I have to say I do not feel good about this. Why is it that every time we get a Democrat President there is an assault on the West? We lived through the Carter years, and I have to say the people in the West got so upset that the sagebrush rebellion began, and both of us, the Senator from Wyoming and myself, were leaders in that sagebrush rebellion.

I have to say, earlier this year the Secretary of the Interior, Bruce Babbitt, expressed his confidence in ensuring that "1993 continues to be the year of reform for public lands issues."

In my opinion, this year cannot end soon enough for those of us in the West. There has been one continuous assault on our people. This conference report contains 19 pages of language, brandnew language, to increase grazing fees by 85 percent over the next 3 years and to codify these very onerous and burdensome and lousy management proposals that would dramatically, they claim, reform the way Federal lands have been managed for decades.

While the grazing fee increase is in and of itself questionable, my constituents are telling me the implementation of the ranchland reforms contained in the compromise will dramatically—I underscore "dramatically"—affect the lives of almost every Utah rancher and many ranchers throughout all the West. Hundreds of them have communicated with me that these reforms are

more repugnant than anything we could pass to increase their fees to graze on Federal lands. This effort to move citizens off of Federal lands continues rolling on, despite the best efforts of some of us who feel it is unfair, it is not right, and it has to be stopped.

My colleague has been very kind to yield this time to me. I want to save some of it, if I can, for him. But let me just say this. We are not going to take this lightly. A lot of us are very upset. I do not know what is going to happen here, but we are not going to roll over and play dead. They may win on one of these issues before the end of this year, but it is not over. I have to tell you, there is a lot of bitterness starting to be engendered, and I am getting some myself. I can tell you right now things are going to get tough around this place.

I reserve the remainder of my time for the distinguished Senator from Wyoming.

Mr. WALLOP. Mr. President, I shall consume the rest of my time. I shall conclude by making four points.

First, about Secretary Babbitt's meetings in the West. They were for the singular purpose of sticking a pacifier in the mouth of a squalling baby, and that is proven by the western Governors who uniformly have said that Mr. Babbitt, Secretary Babbitt, did not hear a single thing they said. He ignored them. The hearings were not a reflection of the proposals. He paid them no heed.

Second, the Senator from Nevada refers to decades of hearings. Of course, there have been decades of hearings. It is an important part of the society in which we live. But there have been no hearings about Secretary Babbitt's proposals. He rambled about the West and produced his recommendations as an Executive order including wholesale change, not just of grazing fees but of every relationship that the West has with the Federal Government. There have been no hearings on these, and there have been no hearings on the proposals of the Senator from Nevada.

Third, water rights. Why is it, if everybody is comfortable, that every State water engineer, including those from the State of the Senator from Nevada, is upset about the language in this thing, doing a wholesale assault, claiming the water which it does not now possess.

Fourth, the issue of property rights. This is one of the things that galls the Senator from Wyoming and particularly galls the citizens of the West who happen to have to rely on public land for their livelihood. This Federal Government says it is a property right when your old man dies and they assess inheritance taxes against it, but now they say you have not a title to it, but they are going to continue to insist on inheritance taxes. This is a Government gone crazy. This is a proposal that is offensive to people who believe that their Government ought to serve them.

This is going to cost us money. Make no mistake about it. It is going to cost a lot for new personnel in the Bureau of Land Management. It is going to cost a lot when we start losing inheritance taxes because now no claim for property can be laid. It is going to cost a lot, driving people off the land, because the economics no longer exist, which means that no fees at all will be paid.

Mr. President, it's difficult to focus, in such a short time, on the most egregious parts of the Reid-Babbitt compromise contained in amendment No. 123 of the Interior appropriations bill because everything after the enacting clause would fit that category.

But the issue of rangeland management, especially as defined in this legislation, is much more than some civil disagreement about AUM's, or private property. For if Reid-Babbitt is approved, Congress would have accomplished in 19 pages of new law what generations of blizzards, droughts, recessions, and diseases failed to do—drive people off the land. Although these men and women have refused to quit, Congress and the administration would have surrendered for them.

Again, this debate is much more than simply talking about how much a Federal permittee pays for grazing livestock on public lands.

For example, this legislation directs the Secretary to add a leasing surcharge to lessee base property if the lessee subleases. This is a normal method of selling or buying a ranch. It is, in fact, a normal business practice in general. Under Reid-Babbitt, this option is no longer viable for the ranching community.

This language also directs the United States to assert its claims to all water development on public lands for the benefit of public purposes. There seems to be no limit to what the Federal Government could consider a grazing related activity. Are the livestock pens at market grazing related and if so do all their water rights belong to the Federal Government? Does every business which sells range-fed beef have to surrender its water rights? What happens to farmers who grow feed for cattle? Without hearings, there is no way to understand the impact of these and other provisions of Reid-Babbitt.

I ask unanimous consent that three letters—from John W. Hay III, Stan Flitner, and Kathleen P. Jachouski—be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ROCK SPRINGS NATIONAL BANK,
Rock Springs, WY, October 20, 1993.

DEAR MALCOLM: Please find enclosed the updated comparisons on the small and large livestock operations at $3.45 versus $1.86. Also, I spoke to a friend in Baggs, Wyoming yesterday who leases his base property and last year had to sell his cows and lease them back in order to meet his financial obligations, he would therefore be in the 70% surcharge category and his resulting grazing fee goes from $13,000 a year to $40,000 a year. He was just breaking even at $13,000 and this will put him out of business.

I am also concerned about the grazing associations around here that provide winter or summer grazing for many operators. In the two associations I am familiar with, the base property and permits are held by the association and the livestock is owned by the stockholders. It would appear that this is subleasing and, therefore, would have a dramatic effect on the financial condition of the associations.

One grazing association that does business with us is on the checkerboard in Southwest Wyoming and as a result controls 52% deeded acreage and 48% public. The Association consists of 37 operators and in the 1992 grazing season, the association turned out for winter use, 75,000 sheep and 6,000 cattle. The grazing fee in 1992 at a $1.86 per AUM was $83,047.38, at $3.45 and a 20% surcharge, the grazing fee would be $184,847.40. The $101,800.02 increase in expense will have to be shared by the 37 operators.

Along the same line, we have customers that for legitimate business reasons hold land and permits in one entity and livestock and equipment in another entity. Under the subleasing rules, these operators would be subject to the surcharge and thus denied the realistic business choices available to operators on private land.

Finally, the vagueness of changes in livestock management practices scares me to death. I fear these items will be more expensive than the grazing fee but have no way to assess that.

Thank you,

JOHN W. HAY III,
Vice President

LARGE FAMILY LIVESTOCK OPERATION

[Effects on each owner of Increased Grazing Fee]

	Ranch income	Grazing fees paid	Grazing fees at $3.45/AUM	Income or (loss) based on grazing fee $3.45/AUM
Year:				
1992	$30,578	$3,879	$6,969	$27,488
1991	30,215	3,643	6,378	27,480
1990	18,573	3,461	7,379	14,655
1989	46,283	3,234	6,769	42,748
1988	32,981	2,322	6,047	29,256
1987	35,304	2,322	5,934	31,692
1986	15,997	1,826	4,666	13,157
1985	9,032	1,730	4,423	6,339
1984	275	2,080	5,237	(2,882)
1983	11,220	1,653	4,072	8,801
1982	19,959	2,461	4,565	17,855
1981	16,840	2,626	3,922	15,544
Total income for 12-year period	267,257	31,237	66,361	232,133
Average annual income (loss)	22,271			19,344

SMALL LIVESTOCK OPERATION

	Ranch income	Grazing fees paid	Grazing fees at $3.45/AUM	Income or (loss) based on grazing fee $3.45/AUM
Year:				
1992	$14,014	$7,546	$13,559	$8,001
1991	20,710	7,490	13,116	15,084
1990	42,702	6,784	12,930	36,556
1989	43,663	6,971	12,930	37,704
1988	49,913	5,772	12,930	42,755
1987	16,838	5,060	12,930	8,968
1986	(1,059)	5,060	12,930	(8,929)

SMALL LIVESTOCK OPERATION—Continued

	Ranch income	Grazing fees paid	Grazing fees at $3.45/AUM	Income or (loss) based on grazing fee $3.45/AUM
1985	(21)	5,060	12,930	(7,891)
1984	9,859	5,135	12,930	2,064
1983	2,643	5,247	12,930	(5,040)
1982	10,155	6,971	12,930	4,196
1981	25,162	8,658	12,930	20,890
Total income for 12-year period	234,579	75,754	155,975	154,358
Average annual income (loss)	19,548			12,863

DIAMOND TALL RANCH,
Greybull, WY, October 18, 1993.

Senator MALCOLM WALLOP,
U.S. Senate,
Washington, DC.

DEAR SENATOR WALLOP: Thank you for your understanding and support of our western lands, regarding the pending grazing fee increase.

The issue here is far more complicated than can be addressed by a fee increase. If the issue is resource management, a fee increase has no bearing. If the issue is stopping range abuse, the fee increase will not solve that. If the issue is minimizing the national debt, the fee increase is a joke. If the real agenda is to stop all grazing on public lands, perhaps that will be achieved.

Western states issues and lands cannot be directed by a government bureaucracy based on the East Coast, in heavily populated areas. That perspective has no understanding of our lands, our economics or our citizens. We as range users work well and comprehensively with our local BLM and USFS agents, and they share our views. They, too, are confused about how this fee increase and re-organization will help them do their job better. It certainly will not help us be better land users.

In fact, what will happen, is that those of us who have a choice will leave the public lands permits voluntarily. The government will be left with a land base much like the empty inner city tenant house areas, which have fallen into disrepair, high crime districts, and generally, places where no one wants to be. Our public lands will be uncared-for, left to transient use by short term graziers and recreationists.

Malcolm, we are grateful to you and the other Senators who have tried so hard to defend what is really a states' rights issue. The idea that others from other States could understand or care for our lands more than we do, is ludicrous.

Best personal regards,

STAN FLITNER.

October 20, 1993.

Hon. MALCOLM WALLOP,
U.S. Senate,

DEAR SENATOR WALLOP: I write this letter to you from the State of Wyoming; but not as a native of Wyoming. I was born on Independence Ave., S.E., Washington, D.C. in 1945. I have the great good fortune of now earning a modest, but fulfilling livelihood in Wyoming. I love where I was born and raised, and brought *with* me the respect for others, and their ways-of-life with which I was raised. My heart is so saddened by the arrogance and contempt with which the people of the West are being treated.

Over the Nat'l. Archives in D.C. is engraved the sentiment that 'The Past Is Prologue.' I have never forgotten this simply put concept. Please ask your colleagues to stop culturally, economically and legislatively devaluing the people of the West. Ask them to remember that much of what they want for the rest of the country is here—do not destroy all that is good in an attempt to make it their own. Take from the West its example, not its foundations. Restrengthen America by respecting our ways of life, and from its spirit take all that you need. Please—leave us our foundations for the benefit of all the generations to come. Through respect, our Past can be their Prologue.

Thank you,

KATHLEEN P. JACHOUSKI,
Cody, WY

STATEMENT ON THE FISCAL YEAR 1994 INTERIOR APPROPRIATIONS BILL

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2520, the Interior appropriations bill and has found that the bill is under its 602(b) budget authority allocation by $14 million and under its 602(b) outlay allocation by $9 million.

I compliment the distinguished manager of the bill, Senator BYRD, and the distinguished ranking member of the Interior Subcommittee, Senator NICKLES, on all their hard work.

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

SENATE BUDGET COMMITTEE SCORING OF H.R. 2520—FISCAL YEAR 1994 INTERIOR APPROPRIATIONS—CONFERENCE [1]

[In millions of dollars]

Bill summary	Budget authority	Outlays
Discretionary totals:		
New spending in bill	13,322	8,765
Outlays from prior years appropriations		4,927
Permanent/advance appropriations	400	18
Supplementals	0	12
Subtotal, discretionary spending	13,722	13,722
Mandatory totals	96	96
Bill total	13,818	13,818
Senate 602(b) allocation	13,832	13,827
Difference	−14	−9
Discretionary totals above (+) or below (−):		
President's request	−213	−246
House-passed bill	686	542
Senate-reported bill	41	−8
Senate-passed bill	34	11

[1] House conference passed.

Mr. DOLE. Mr. President, like many in this body, I too have heard from the proponents of increasing grazing fees and all of the supposed benefits that would come with such action. These proponents paint the picture of a ravaged West saying the western rancher is raping the land. Yet we all know the land is better off than what the pioneer accounts show.

Keep in mind, the land we are talking about is owned by the Government because no one else wanted it. It was not suitable for grazing and certainly was not suitable for ownership. The forage value of an acre of rangeland in my home State of Kansas is certainly greater than an acre of rangeland in Nevada. Consequently, as livestock numbers increased in this country, so did the need for grazing lands and eventually, the Government leased this land to the public. Critics point out the difference between the current fee of $1.86 per AUM on public land and $8 to $12 per AUM on private land. I would suggest to the critics they should also point out that when leasing from the Government, certain conditions have to be met by the tenant; conditions that are not required of private landowners.

Mr. President, a rancher pays more for private land because they get more. The fee is all encompassing. It includes fencing, water improvement, roads, and in many cases complete care for the livestock. To pay for private land also means that the tenant gets exclusive rights to the property.

Compared to public lands, the difference is significant. A rancher leasing public lands must build the roads and watersheds, and they are required to build and maintain the fences at their own expense. Furthermore, their land is open to the public. An analogy that I recently read said it well.

The difference between private and Federal land, is much like the difference between dining in a restaurant and fixing your own dinner. Except that, on Federal land, you are expected to share your dinner with anybody who shows up at your table.

I have become increasingly frustrated with critics when they fail to tell the whole story. Time and again, several of my colleagues from the Western States have stood on this floor in an attempt to educate the Members on the difference between leasing public land and private land. To me, the differences are clear and I suggest to my colleagues that they get the facts straight before voting on this measure.

The PRESIDING OFFICER. The Senator from Nevada is recognized. The Senator from Nevada has 4½ minutes remaining.

Mr. REID. Mr. President, we have established one thing; that it is gridlock. Even though my friends on the other side of the aisle cannot agree, at least one Member of the other side agreed that it was gridlock.

My friend, the senior Senator from Idaho, may also recollect that on mining, I also offered a compromise which passed this body last year. I do not believe in gridlock. I believe we should move on and recognize, as my friends on the other side of the aisle refuse to recognize, that there is a new West. This new West is coming on us, and we have to accept that, and we should accept it because the West has changed.

Listen to what the National Taxpayers Union says about my amendment:

The Interior appropriations agreement on grazing fees is a step the American taxpayers should welcome. While the increased fees are still not enough to even cover the Government's cost of the grazing program, this agreement closes the gap between the true cost and the amount recovered. Those who care about reducing the deficit should welcome this agreement.

The National Taxpayers Union endorses this compromise overwhelmingly.

I have heard that, somehow, President Clinton is doing something wrong. Doing something wrong? Here is a person who is working through his Secretary of the Interior to try to resolve an issue that has been laying on a back burner and should have been resolved years ago. For anyone to threaten the Sagebrush Rebellion is starting again? One of the biggest flops in the history of this country? The Sagebrush Rebellion was meaningless. If somebody thinks it can be meaningful now, they have another think coming.

This is, as I have indicated, this is gridlock. It is time the majority ruled, and they should rule. It is time the ranchers realize if they do not accept the Reid compromise, they are going to get everything that Babbitt has offered, and I think that would be too bad for the ranchers of the western part of this country.

How much time does the Senator have?

The PRESIDING OFFICER. The Senator from Nevada has 2 minutes remaining.

Mr. REID. Mr. President, I think it is important for me to recognize that in the West, on Forest Service land, they have handled water rights as I have indicated. If someone files for water rights, an immediate protest is filed. That is how it worked since 1906. Even though my friend from Wyoming talks about the Code of Federal Regulations, that does not take into consideration how, in reality, the Forest Service handles water on public property.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada yields his time. No time is remaining in this hour of debate.

Who seeks recognition?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

PRESIDENTIAL ACTION ON HAITI

Mr. BYRD. Mr. President, our new President has demonstrated a refreshingly open, positive, and cooperative attitude in working with the Congress to sort out common positions on the new challenges facing the Nation from abroad. While it is true that the United States, as a result of the disintegration of the Soviet empire, is the preeminent unchallenged military power in the world today, it is also true that much of the world is unruly and chaotic, and the future of democracy is not assured in many regions, and ethnic rivalries had hatreds have boiled to the surface even in the heart of modern Europe. Our own economic problems are forcing us to spend a diminishing portion of our resources on military policy and foreign policy, and unilateral expenditure of our resources in the absence of compelling challenges to our own national security will have to be greatly reduced.

In dealing effectively with these new and uncharted circumstances, it is important that the President and Congress sort out, together, both our priorities and the basic mechanisms which should operate to build a strong national consensus on foreign policy. The President has shown a very welcome willingness to do his part. In a letter that I received last night from the White House at 10 minutes after 10 o'clock on the matter of our developing policy toward Haiti, the President stated that "close cooperation between the President and the Congress is imperative for the effective U.S. foreign policy and especially when the United States commits our Armed Forces abroad." The letter from the President was a detailed exposition of the President's policy underlying the imposition of the embargo he has imposed on Haiti, given the disappointing and tragic behavior of Haiti's military leadership in refusing to support and implement the agreement it reached on Governors Island to restore democracy to Haiti. These regrettable actions taken, so close to our own shores, concern the President and they should concern all of us.

I am pleased the President is not offering up the tired old overdrawn shibboleths about his constitutional powers in making foreign policy. This was the attitude we were constantly presented with during the previous 12 years. Fundamentally, the Framers of our Constitution created a system of powers that are shared in this field between the two branches, and, for the Nation to be successful must be executed on the basis of a national consensus. This is as it should be, and the detailed letter to the Congress delivered to me last night on the matter of our policy in Haiti is but the latest example of a very welcome new attitude on the part of President Clinton in this important area.

Mr. President, I ask unanimous consent that the letter addressed to me as the President pro tempore of the United States Senate, under date of October 20, 1993, be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, October 20, 1993.

Hon. ROBERT C. BYRD,
President pro tempore of the Senate, Washington, DC.

DEAR MR. PRESIDENT: I have directed the deployment of U.S. Naval Forces to participate in the implementation of the petroleum and arms embargo of Haiti. At 11:59 p.m. E.S.T., October 18, units under the command of the Commander in Chief, U.S. Atlantic Command, begun enforcement operations in the waters around Haiti, including the territorial sea of that country, pursuant to my direction and consistent with United Nations Security Council Resolutions 841, 873, and 875. I am providing this report, consistent with the War Powers Resolution, to ensure that the Congress is kept fully informed about this important U.S. action to support multilateral efforts to restore democracy in Haiti and thereby promote democracy throughout the hemisphere.

During the past week, the world has witnessed lawless, brutal actions by Haiti's military and police authorities to thwart the Haitian people's manifest desire for democracy to be returned to their country. With our full support, the United Nations Security Council has responded resolutely to these events. On October 16, the Security Council, acting under Chapters VII and VIII of the United Nations Charter, adopted Resolution 875. This resolution calls upon Member States, "acting nationally or through regional agencies or arrangements, cooperating with the legitimate Government of Haiti, to use such measures commensurate with the specific circumstances as may be necessary" to ensure strict implementation of sanctions imposed by Resolutions 841 and 873. The maritime interception operations I have directed are conducted under U.S. command and control. In concert with allied navies, U.S. Naval Forces will ensure that merchant vessels proceeding to Haiti are in compliance with the embargo provisions set forth in the Security Council resolutions.

The initial deployment includes six U.S. Navy ships and supporting elements under the command of the U.S. Atlantic Command. These U.S. forces and others as may be necessary, combined with those forces that other Member States have committed to this operation, will conduct intercept operations to ensure that merchant ships proceeding to Haiti are in compliance with United Nations Security Council sanctions. On the first day of the operation, one of our ships, with U.S. Navy and Coast Guard personnel aboard, carried out an interception of a Belize-flag vessel and allowed it to proceed to its destination after determining that it was in compliance with the embargo. In addition, the forces of the U.S. Atlantic Command will remain prepared to protect U.S. citizens in Haiti and, acting in cooperation with U.S. Coast Guard, to support the Haitian Alien Migrant Interdiction Operations (AMIO) of the United States, as may be necessary.

The United States strongly supports the Governor's Island Agreement and restoration of democracy in Haiti. The measures I have taken to deploy U.S. Armed Forces in "Operation Restore Democracy" are consistent with United States goals and interests and constitute crucial support for the world community's strategy to overcome the persistent refusal of Haitian military and police authorities to fulfill their commitments under the Governor's Island Agreement. I have ordered the deployment of U.S. Armed Forces for these purposes pursuant to my constitutional authority to conduct foreign relations and as Commander in Chief and Chief Executive.

Close cooperation between the President and the Congress is imperative for effective U.S. foreign policy and especially when the United States commits our Armed Forces abroad. I remain committed to consulting

closely with Congress on our foreign policy, and I will continue to keep Congress fully informed about significant deployments of our Nation's Armed Forces.

Sincerely,

BILL CLINTON.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as in morning business.

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

NEED FOR CONSUMER-ORIENTED APPROACH TO LONG-TERM CARE

Mr. FEINGOLD. Mr. President, I rise to speak briefly, again, about the issue of long-term care as an issue in connection with the President's plan, or whatever approach we take to health care reform. I will be offering some thoughts on the floor this week and the weeks to come on that issue.

As I mentioned last week, long-term care reform is essential if we are going to realize the goals of overall health care reform. The President has done a real service to the cause of health care reform, not only in its general plan but in, first, recognizing the importance of long-term care as being an essential part of real health care reform.

But, just acknowledging the need to address long-term care services for the elderly and people with disabilities is really only half of the battle. It is not enough to just include long-term care benefits in a health care reform package. We need to actually reform our long-term care system in a fundamental way.

Mr. President, I think this means that the plan that we come up with should emphasize community and home-based flexible services that respond to individual consumer choice and preference from the time of the initial assessment right on through to whatever ongoing services the person needs. It should include case managers and others who regularly consult with the consumer and the consumer's family members to be sure that their needs are being met in a satisfying manner.

If we are to succeed in this area, we have to move away from our current regulatory-intensive approach. We need, instead, to emphasize that the consumer of long-term care services is more like a customer than a patient.

In my own State of Wisconsin, we have sort of had a laboratory for long-term care reform. We established about 15 years ago something called the Wisconsin Community Options Program. We call it COP. This program is responsive to consumer needs and preferences, but it does not have to rely on an overarching bureaucracy to work. Under COP, for example, homemaker and chore services do not have to be provided by government licensed professionals. They can and often are provided instead by family members, friends, and neighbors. These are the people from whom long-term care consumers would rather receive the care anyway, if it is at all possible. Indeed, too often now our bureaucracies of long-term care programs are really much more responsive to the desires of providers rather than consumers. Taking a traditional regulatory approach, I think these current systems have driven up costs to consumers and taxpayers and have lacked the flexibility we need to respond to the individual consumer.

So, Mr. President, we have to start in this bill, the health care reform bill, to abandon the unspoken but ever-present belief that underlies most Government long-term care programs, and that is the belief that somehow regulation equals quality. We have to instead understand that quality is meeting the expectations of the consumer and of the customer.

Mr. President, it does not mean we abandon sensible safety requirements, but it does mean we must think in terms of what the long-term care consumer's needs and preferences are. Long-term care programs should be driven by that principle, not just by a book of regulations.

Having the flexibility to tailor services to the needs and preferences of any one individual is fundamental. It is only in this way that a long-term care program can fit the needs of a diverse population, that is, the long-term care population. It is a very diverse population, and it is the only alternative to making the individual needs fit into a system of treatment or service.

It is easy to talk in generalities, so maybe I can make it a little more concrete by mentioning two different women who live in Wisconsin to show the need for this kind of flexibility. Both of these women have received services under the Community Options Program, even though they have very dissimilar disabilities and even though they live in much different family situations and have different needs.

First, let me talk for just a minute about a woman named Pam, a woman who has cerebral palsy and spent 20 of the first 30 years of her life in institutions, first in a center for the developmentally disabled and later in a nursing home. Pam is very intelligent but she needs to use a wheelchair, is unable to walk, stand, or use her arms or hands, and has a very difficult time making her speech understood.

In 1982, Pam became pregnant. Though she and the father chose not to marry, Pam decided it was time to end institutional life. With the help of this program in Wisconsin, the Community Options Program, Pam moved to an apartment. Although her daughter, Sheila, was adopted by a friend, Pam was able to help raise her daughter even though she had spent the first 20 years of her life in an institution.

Pam has been part of the Community Options Program for about 12 years and her life is much richer than it ever could have been in an institution. She married one of her attendants and COP pays her husband to continue providing her care. Pam is actually a child care worker in a preschool and she speaks with the help of a computer operated by a beam of light from a device that is actually attached to her head. She also attends classes in early childhood development at the local community college. It turns out that her daughter, Sheila, is now in competitive figure skating. But that is one example.

The other woman I wish to talk about is a woman named Leita. Leita has been active in many civic and church groups in her hometown in southwest Wisconsin. In 1987, Leita lost a leg because of circulatory problems. She is physically frail with multiple medical problems and yet she still lives alone and greatly values the independence of living alone.

Despite her physical frailty, her mind and her will remain strong. In fact, like all the other COP recipients, she takes an active role in developing her own case plan that is custom fitted to her own special needs—not some other person making this determination but the consumer herself makes the determination. Leita's attendants take care of her physical needs and household chores on a schedule that she has helped to set, and that is as flexible as she needs it to be. In addition, her friends and neighbors also look in on her on a regular basis.

Leita, who actually shares in the cost of COP, has a portable phone that she takes everywhere she goes in case of emergencies, and she has a neighbor whom she calls frequently in the winter to come over to stoke her wood stove.

These are clearly different individuals with different sets of needs. Both of these women value their independence and cherish being able to live at home. In each case, the taxpayers are actually being saved money by keeping these women out of high-cost institutions and society is benefiting from the continued value that these two lives still have to offer.

By any measure, Mr. President, this Community Options Program has been an enormous success. Instead of limiting consumers to a specific set of benefits and requiring that only certain licensed professionals can provide those benefits, the Community Options Program provides case managers with

complete flexibility to work with individual long-term care consumers in creating a plan of care that is tailored to the needs and preferences of the individual.

Mr. President, I need to reemphasize that this program is not just good for these individuals. The Community Options Program has saved Wisconsin taxpayers hundreds of millions of dollars in only its 15 years of existence. There was just a report last week that it saved $17.5 million in Wisconsin last year alone.

While Medicaid nursing home bed use rose 24 percent nationally during the 1980's, in Wisconsin, thanks to this Community Options Program, our Medicaid nursing home bed use actually dropped 19 percent, a relative difference of over 40 percent. Instead of an increase of 8,000 people in Medicaid-supported nursing home beds, Wisconsin actually saw a decrease of 7,000. This difference is even more impressive when you consider that every 1,000 Medicaid-supported nursing home residents costs the public about $20 million every year.

Mr. President, without long-term care reform, we cannot effectively control acute health care costs. Beyond that, the Wisconsin Community Options Program has shown that proconsumer reforms are possible and do produce significant savings over the current regulatory intensive system.

So for Pam and Leita and the tens of thousands of others on COP, the program means being able to live in their own home in a manner which assures the maximum level of independence.

Mr. President, I wish to return to mentioning that the long-term care portion of the President's recently released health care plan can be the basis for this kind of comprehensive plan for our country. It appears to establish—although, of course, we do not have the language yet—a framework that may allow a consumer-oriented long-term care program that can produce significant savings over the current system and as such holds out a promise to the millions of elderly and disabled people who want to remain in their homes and live rich independent lives.

We cannot, Mr. President, lose this opportunity to effect genuine reform in our long-term care system. We need to include a significant long-term care provision any health care reform package we pass.

Mr. President, equally important, we must ensure that the long-term care provision we pass is based on flexible consumer oriented and consumer-directed services that will satisfy the needs and preferences of those needing long-term care.

So as we get our plan, which I guess we are going to be seeing very shortly, I think instead of looking at long-term care down the road or something we will get to in several months, one of the very first things we should do is to determine whether, in fact, the plan can provide the framework to make national the success we have had in Wisconsin in this regard. I thank the Chair.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. CHAFEE. Mr. President, I note that the managers of the bill are present, and I would like to direct to them a question. I see the Senator from Alaska is here, if I can catch his eye.

I am referring to page 44 of the committee report. I will read from it because it is very important and affects a matter of deep concern to my State. I wish to see if I can understand the committee's intent. It says:

> The fiscal year 1993 committee report directed the Department of Defense to conduct a study regarding consolidation of the military services command and staff, and war colleges. This study was to be presented to the Committees on Appropriations of the House and Senate no later than July 31, 1993.

In other words, a couple of months ago.

> The study was to consider the cost savings that might be achieved through such consolidation, analyze administrative and teaching reductions that might be achieved, identify locations where consolidated colleges might be accommodated * * *

Now, then it says:

> In its response to the committee, the Department indicated its intention to link the question of consolidating these schools to actions concerning reform of the Defense Officer Personnel Management Act [DOPMA]. However, the Department's response fails to indicate any compelling reason why DOPMA reform is a prior condition to consolidation of the command and staff and war colleges.

My question is this: As I understand what the committee says in this report, the study regarding the wisdom of making this consolidation has not yet been received by the Appropriations Committee. Am I correct in that?

Mr. INOUYE. The Senator is correct, Mr. President, if I may respond.

Mr. CHAFEE. The next paragraph is confusing to me because the committee asks for a study, has not received a study, and then proceeds ahead regardless of the absence of the study, if I understand the next paragraph correctly, which says:

> The committee therefore directs the Department to begin consolidation of the services war colleges under the National Defense University to be administered by the Department of Army. The committee further directs consolidation of the command and staff colleges under the Armed Forces Staff College to be administered by the Department of the Navy.

Am I missing something here? The committee asks for a report, did not get a report, and so is saying go ahead and do the consolidation anyway? Am I correct in that?

Mr. INOUYE. Mr. President, if I may respond, for the past 3 fiscal years the committee has attempted to receive a report from the Department of Defense on this matter. And for 3 years for reasons not quite clear to us we have not been favored with such a report. We are always assured that by July 31, or June 1, the report will be forthcoming.

So the members of the committee and staff have looked into this matter for some time and decided that the time has come. Otherwise, the next fiscal year we will still be waiting for a report and the following fiscal year waiting for a report.

If by this action the administration feels that our recommendation is unwise we would expect them to respond to us. This is one way that we can assure ourselves some sort of definitive response.

Second, it may interest you to know that since one of the facilities is in your State, Newport, the report does not in any way suggest the closure of that base. In fact, the Department of the Navy at this moment is consolidating a number of training programs which will be located at Newport.

So in its way, the Navy is carrying out what we have been recommending.

Mr. CHAFEE. Mr. President, first I want to thank the distinguished manager of the bill who has been a loyal supporter of the Navy and of many facets of the Navy which we are deeply concerned with; namely, the *Seawolf* submarine. So when I talk with the senior Senator from Hawaii, the manager of the bill, I am talking with somebody whom I know supports naval activities, and particularly those that have taken place in our State.

But my concern is this: That already consolidated in Newport at the Naval War College are both the command and staff activities, which is generally considered a junior level, and the senior level, plus the foreign officers studies likewise. So there has been a vertical integration, if you would call it that, rather than a horizontal integration which the report seems to be directed at. In other words, as I read this report, the thrust seems to be to take all the intermediate level command and staff studies of the various services, Army, Navy, Marine Corps, Air Force and consolidate them into a joint command and staff college, and then on the senior level do likewise. Whereas the Navy has consolidated, as I say vertically, and put in one college the command and staff, the junior level, plus the senior level.

So consolidation is already taking place. Indeed, my research reveals that the Air Force likewise, at Maxwell Field they have both the junior level,

command and staff, and the War College consolidated. The Army does not. The Army has their command and staff at Leavenworth, KS, and their War College in Carlisle, PA.

But here is my concern. How can the Department not follow what the committee directs, because this is pretty specific language? The committee directs the Department to begin consolidation of the services' War Colleges under the National Defense University.

So the Senator has pointed out, has suggested, if they do not like it, they can come back and tell the committee why they do not want to do it.

Mr. INOUYE. Mr. President, if I may respond, the Department quite often does that. We have in the past directed the Department of the Army, or the Navy, or the Air Force to do certain things, and we find that such an activity may not be feasible or advisable. They immediately communicate with us officially and steps are taken.

Mr. CHAFEE. Mr. President, I note this is the report language rather than statutory language. What worries me is that what we are doing here is proceeding without a study. In other words, the committee has directed certain actions. It may have the cart before the horse. Please give us a study and then in the absence of a study, before receiving it, they say go ahead and do it. We tell you what to do. We do not need the study.

Mr. INOUYE. No; we are trying to get some action from them. What this report is asking for is a memorandum of understanding between the services. We do not wish to set the specifics. And if in the memorandum of understanding the three Secretaries get together and say, OK, at Newport we will do such and such, and the Army War College will do such and such. That is all we are asking for.

Mr. CHAFEE. My colleague is on the floor.

Mr. INOUYE. I can assure the Senator that as the Navy is now doing, they have no desire to downgrade the activities at Newport. In fact, they are upgrading it. I would anticipate that will continue.

Mr. CHAFEE. My colleague is waiting. So I want to thank the distinguished chairman.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I want to pay my respects to the manager of the bill, Senator INOUYE from Hawaii, because he is a good friend of the Navy, a good friend of my State, and we respect that.

I, too, wanted to rise today in connection with the report language accompanying the fiscal year 1994 Defense appropriations bill which would direct the Pentagon to begin the consolidation for the command and staff and War Colleges. I was struck by the inclusion of this language which appears to direct such a drastic action without prior review and consideration by the appropriate Pentagon officials and oversight committees in Congress.

I realize we are currently downsizing our military to accommodate our future defense needs. However, Mr. President, a consolidation as far reaching as the one proposed in this report, if it is to occur, should be done with an eye toward improving the national security infrastructure and only after it has been established that it would realize maximum savings. It would seem to me that such considerations have not been taken into account.

I am very familiar with the operations of the Naval War College, located in my hometown of Newport, which would be affected by this action. In fact, I have gone to the War College and observed the courses, and have participated in the correspondence course. There are many ramifications of the possible effects in connection with that community.

The Navy, unlike the other services, has already consolidated its Command and Staff and the War Colleges in Newport. That Naval War College was founded on October 6, 1884, and is the oldest of its kind in the world. Its mission is to enhance and strengthen the capabilities of its senior midcareer officers and junior officers. In essence, its mission ensures that we will have a well-trained naval force which could face any challenge with the same discipline and intellect of our heroic naval forebears.

It would seem to me, therefore, that a consolidation that has not been thoroughly and carefully studied and considered might be unwise.

I am also informed that the Office of the Secretary of Defense [OSD], is also against such a consolidation and will submit a report on this subject to the committee. Here again, I am informed that the OSD staff will seek to get together with committee staff to attempt to address the committee's concerns and previous requests.

I have huge respect for the managers of this bill, Senators INOUYE and STEVENS, and I know they will not recommend a move that has not been previously explored and sensibly considered.

Mr. INOUYE. Mr. President, if I may respond to my distinguished colleague from Rhode Island, it is not the intention of the committee to abolish these War Colleges. It is to the contrary.

Second, for the past 3 years, we have made attempts through various channels to call upon the Department to come forth with this report. For 3 years, we have not received a report. I am not certain it is that complicated, but we have not received a report. Each time, we have been assured that it will be coming. For example, for this year, we were told that by July 31 we will get a report. This is now October, and we have yet to receive one.

So we felt that if we are to get some activity across the Potomac, this is the way to do it. The fact that the two distinguished Senators from Rhode Island have stood to inquire into this should indicate to our friends across the Potomac that they should come up with a report.

What we are seeking is a memorandum of understanding between and among the services to work out some scheme so that the infrastructure can be modernized, and we can cut down the costs. Why should we have three identical courses in three different colleges when one would suffice? The specifics could be worked out in the memorandum of understanding. We understand that.

So, I anticipate that if this provision remains in the report, we will be receiving their response rather soon. I would expect the response to be coming within 24 to 48 hours.

Mr. CHAFEE. Mr. President, I do not want to prolong this, and I thank my colleague, the senior Senator from Rhode Island, and the distinguished manager of the bill. But I will say that I am distressed over the language in this report. Where it does not say, "Give us that study or else," it says, "We direct the Department to begin consolidation of the service's War College," and so forth. It seems to me that is not asking for a report; that is saying to go ahead and take action.

I have trouble and, sure, I have a local State interest. Both of us do, the senior Senator and I. But, also, I refer my colleagues to the Defense authorization bill we just passed here recently, which directs the Secretary of Defense to maintain student levels at the War Colleges at the October 1992 levels. In other words, as the services draw down personnel levels, there is not a suggestion that these institutions become smaller. Indeed, they are not going to reflect, proportionately, the reductions in the size of the military forces.

I believe that is right. I think we ought to have a more educated officers corps, even though we have to go down. So I am in favor of that.

But that certainly does not seem to suggest that there can be consolidations of any major nature, if you are going to keep the student enrollment the same as it was in October 1992. That is my first problem.

My second problem is that, again, this is a horizontal interservice type of consolidation suggested, rather than the vertical intraservice consolidation that I previously mentioned.

Finally, I will note that in preparing for this, I looked to see what the Marine Corps was doing. The Marine Corps has junior officers training, in effect, at Command and Staff School at Quantico. But they have recently

started a more senior course there, sort of a War College for the Marine Corps, which does not seem to be going in quite the direction the chairman would be suggesting.

Mr. INOUYE. Mr. President, the Appropriations Committee concurs fully with the action taken by the authorization committee on maintaining the student level at the 1992 numbers, because as the Senator from Rhode Island has pointed out, although we are having a drawdown in forces, we want very much to maintain the quality of officer personnel. And it is through this type of specialized colleges that we are able to maintain that.

And so it is not our intention to downgrade the War Colleges or to cut them out, or to reduce the activities. If anything, it is to improve their activities. What we are just hoping for is a report. It has been 3 years now, and I am certain that, with this provision, we will get a report.

Mr. CHAFEE. Well, Mr. President, could I ask the manager this: What we are doing here is working on the appropriations bill. I presume it has passed in the House previously. So you go to conference on the appropriations bill sometime next week, maybe.

Mr. INOUYE. We hope to begin our conferences tomorrow.

Mr. CHAFEE. Well, that is fast work.

My question is this: If the Defense Department should give the Senator the report he has been seeking so conscientiously, would there be any necessity for this language directing them to do something that the Senator is not sure he wants to do because he does not have the report yet?

Mr. INOUYE. May I suggest this, Mr. President: May we call upon our respective staffs, the staff of the Appropriations Committee, together with Senator CHAFEE's staff, to get together before we finalize the bill, to draft some clarifying language which would give him the assurance that he wants, and possibly give the Department the assurance that they want? However, at the same time we want to make it very clear that we will not wait another 3 years for a report, because all they have to do is to ignore us.

I would hope that the Department of Defense realizes that it is the Congress of the United States, according to the Constitution, that provides for and maintains the Army and provides for and maintains the Navy. So, they better keep that in mind.

Mr. CHAFEE. Mr. President, first, I thank the chairman for that generous offer. We accept. Our staff will do that because, as I say, my pain level results from this very specific language that directs the consolidation. I will use whatever influence I have with the Defense Department to get that report over here.

I must say any Secretary of Defense who blithely ignores the Appropriations Committee of the Senate of the United States is doing something at his peril. So, I think they will respond quickly. At least I would hope they would.

Mr. INOUYE. We are not in the business of threatening. We just hope that they read the Constitution. That is all.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Rhode Island.

Mr. PELL. Mr. President, I, too, will follow up along the lines the manager of the bill has suggested. I hope that the appropriate DOD officials will read carefully this colloquy on the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask unanimous consent that the remaining committee amendments be considered and adopted en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The remaining committee amendments were agreed to en bloc.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I move to restore the matter stricken in the committee amendment on page 122, line 22, "Sec. 8099" through page 124, line 2.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Hawaii.

The motion was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent the section beginning on page 124, line 3, "Sec. 8099" be modified to read "Sec. 8099a."

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

PERU AMENDMENT TO DOD APPROPRIATIONS

Mr. HELMS. Mr. President, this amendment requires the Secretary of Defense to submit twice-a-year reports to Congress, on December 1 and June 1, on efforts made by the U.S. Government during the preceding 6-month period to seek the payment of fair and equitable compensation by the Government of Peru to the widow of M. Sgt. Joseph Beard, Jr. The exact same provision has been included already in the House version of this bill.

The facts in the case are simple: On April 24, 1992, Peruvian military aircraft attacked a United States Air Force C-130 after it had completed a counternarcotics mission. M. Sgt. Joseph Beard was killed and other crewmen were injured.

The United States Air Force plane was in international airspace over the Pacific Ocean—60 miles from the Peruvian border. Because visibility was unlimited and the United States plane had clear markings, a Department of Defense investigation concluded that the Peruvians had to know they were attacking a United States military aircraft.

The Senate accepted my amendment to the foreign operations appropriations bill requiring the Government of Peru to pay compensation to the widow of Sergeant Beard. If compensation is not paid, as the amendment stipulated, Peru will not receive United States foreign aid. Unfortunately, the House conferees insisted that the amendment be dropped, and it was. They substituted report language directing a withholding of funds from Peru until fair and equitable compensation was paid.

I would have never offered that amendment if the Department of State had done its duty and sought compensation for the widow of Sergeant Beard. The State Department feared doing so, claiming that it will somehow destabilize the Peruvian Government.

I cannot understand the problem. There is $67 million in the foreign aid pipeline for Peru, and if Peru will face up to its responsibility and pay just a small fraction of that amount to Sergeant Beard's widow, there would be no need for this amendment.

Mr. President, even Saddam Hussein's Iraq paid compensation to the victims of the U.S.S. *Stark*. But, the U.S. State Department is unwilling to require that compensation be paid for an American serviceman killed by one of the largest recipients of U.S. foreign aid.

Mr. President, the Congress and the State Department should protect and defend American citizens. It must be our first priority.

I ask unanimous consent that a letter from the Secretary of the U.S. Air Force to Mrs. Beard, assuring her that her case will indeed receive top priority, be printed in the RECORD.

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

SECRETARY OF THE AIR FORCE,
Washington, September 28, 1993.

Mrs. SHERRY L. BEARD,
1710 Serenity Drive,
Pflugerville, TX.

DEAR MRS. BEARD: Please accept my condolences along with the deepest sympathy of all the men and women of the United States Air Force on the tragic loss of your husband. Since assuming responsibilities of Secretary of the Air Force in August of this year, I have become thoroughly familiar with the circumstances surrounding his death. While we can only begin to appreciate your sorrow, I want to assure you of our heartfelt concern.

In your letter of August 16, 1993, you expressed your concerns to the Secretary of State, the Senate Foreign Relations Committee and to me. Secretary Christopher, in

his response of September 4, 1993, accurately related those actions taken to date by the United States Government of your behalf. In addition, he suggested you consult with your attorney before responding to any offer of payment from the Government of Peru. I agree with that course of action.

My personal priority in this matter is that your interests as the widow of a deceased Air Force member be kept at the forefront in any United States-Peru negotiations. I will continue to insist that this be the case in any future discussions.

I know that members of the Air Force community have been assisting you in matters relating to your husband's death. I assure you they will continue to do so. You remain an important member of the Air Force family.

Sincerely,

SHEILA E. WIDNALL.

AMENDMENT NO. 1075

(Purpose: To provide for the conveyance of Kaho'olawe Island, HI, to the State of Hawaii, to provide for the environmental restoration and cleanup of the Island, and for other purposes)

Mr. INOUYE. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 1075.

Mr. INOUYE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 133, beginning of line 13, strike out the text of section 8110 in the committee amendment and insert in lieu thereof:

8110. CONVEYANCE OF KAHO'OLAWE ISLAND, HAWAII, TO THE STATE OF HAWAII.

(a) PURPOSE.—It is timely and in the interest of the United States to recognize and fulfill the commitments made on behalf of the United States to the people of Hawaii and to return to the State of Hawaii the Island of Kaho'olawe. Kaho'olawe Island is among Hawaii's historic lands and has a long, documented history of cultural and natural significance to the people of Hawaii reflected, in part, in the Island's inclusion on the National Register of Historic Places and in the longstanding interest in the return of the Island to State sovereignty, public access and use. Congress finds that control, disposition, use and management of Kaho'olawe is affected with a Federal interest. It also is in the national interest and an obligation undertaken by Congress and the United States under this and other Acts, and in furtherance of the purposes of Executive Order 10436 (1953), to recognize the cultural and humanitarian value of assuring meaningful, safe use of the Island for appropriate cultural, historical, archaeological and educational purposes as determined by the State of Hawaii and to provide for the clearance or removal of unexploded ordnance and for the environmental restoration of the Island for such purposes. Congress also finds it is in the national interest and an essential element in the Federal Government's relationship with the State of Hawaii to ensure that the conveyance, clearance or removal of unexploded ordnance, environmental restoration, control of access to the Island and future use of the Island be undertaken in a manner consistent with the enhancement of that relationship, the Department of Defense's military mission and the Federal interest.

(b) MODEL DEMONSTRATION PROJECT.—It is in the national interest that the clearance or removal of unexploded ordnance and the environmental restoration of Kaho'olawe serve as a model demonstration project that incorporates the use of innovative technologies and remedy selection process that will expedite and economize such clearance or removal and environmental restoration while maintaining meaningful participation by affected parties and assuring the protection of human health and the environment.

(c) CONVEYANCE.—Subject to section 1(d) section 8(b) of this Act, the United States, through the Secretary of the Navy (also, hereinafter, "the Secretary"), shall convey and return, without consideration and without conditions other than those set forth in this Act, to the State of Hawaii all right, title and interest of the United States, except that interest set forth in section 2(a)(4) and section 4 of this Act, in and to that parcel of property consisting of approximately 28,776 acres of land known as Kaho'olawe Island, Hawaii and its surrounding waters. Such conveyance of title shall occur no later than 180 days from the date of enactment of this Act and the appropriation of funds for such purposes described in this Act.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of property to be conveyed under section 1(c) shall be determined by a survey that is deemed satisfactory by the State of Hawaii in consultation with the Secretary. The cost of the survey shall be borne by the Secretary, making use of funds provided pursuant to the Act.

8110(A). ORDNANCE CLEARANCE OR REMOVAL ON KAHO'OLAWE ISLAND, HAWAII.

(a) ORDNANCE CLEARANCE OR REMOVAL.—(1) Subject to section 8(b) of this Act, the Secretary of the Navy shall, in compliance with the two-tiered standard of ordnance clearance, removal, restoration and safety contained in (a)(2) of this section,—

(A) detect and clear or remove from Kaho'olawe Island and its adjacent waters, all unexploded ordnance, the remains of exploded ordnance, and solid waste associated with such ordnance or with the use of Kaho'olawe Island by the United States for bombing training, gunnery training, or other munitions training.

(2) Kaho'olawe Island shall be restored for use in accordance with the following requirements:

(A) Tier One Restoration Area. The entire Island shall, in a manner consistent with the purposes of this Act and with the protection of surface and below surface historical and cultural sites and artifacts, be restored to a condition that is reasonably safe for human access and visitation and in accordance with standard methodologies for such restoration as determined by the Secretary in accordance with the purposes of this Act. Subsequent to the transfer to the State of Hawaii of responsibility for the control of access, as provided in section 6 of this Act, the Navy shall continue to undertake, upon the reasonable request of the State, and at regular intervals, reasonable and prudent clean-up measures using standard methodologies. With such Tier One Restoration Area, and in accordance with sections 5 and 6 of this Act, approximately 22,600 acres of the approximately 28,776 acres on the Island and submerged land in the surrounding waters to a depth of 120 feet shall be subjected to surface clearance only.

(B) Tier Two Restoration Enclaves. Enclaves within the Island, as identified in (i), (ii), (iii) and (iv) below and not exceeding approximately 6,200 acres, shall be restored to a condition that is reasonably safe for the human habitation necessary to accomplish the cultural historical, archaeological and educational purposes of this Act, to assure the uses set forth in (i), (ii), (iii), and (iv) below and in accordance with the best available technology and methodology for such restoration:

(i)(a) not more than approximately 4,700 acres for the purpose of grasslands and related uses; and (b) those locations, including trails, roads and historical, cultural and archaeological enclaves identified by the State under section 2(C), that shall not exceed an additional 1,400 acres;

(ii) no more than three specially designated navigational channels to the Island suitable for visitation, including the adjacent shoreline area;

(iii) (a) not more than approximately 10 acres for reasonably safe, human habitation sites, as defined in (B) of this Section, that shall include but not be limited to the sites designated as Hanakanaia to Lae Paki, Kuheia/Kaulana, Ahupu, Hakioawa, Pu'u Moaulanui, Seagull Station, Kamohio Station, Halona Station, Honokoa, and Kanapou; and (b) approximately 47 acres of reservoirs designated as Lua Kealialalo, Lua Kealialuna and Lua Makika; and

(iv) approximately 5 acres on not more than three locations to be used as heliports.

(C) Description of Tier Two Restoration Enclaves. The precise description for the Tier Two Restoration Enclaves, prepared through standard methodologies, shall be submitted to the Navy by the State of Hawaii within 180 days of the enactment of this Act. Any reasonable enlargement to the size or modification to the location of the Tier Two Restoration Enclaves shall be agreed to by the Secretary of the Navy. Such reasonable enlargement or modification shall be determined and undertaken within the time period identified in section 2(a)(3). The cost of such enlargement or modification shall be borne by the Secretary, making use only of funds provided pursuant to this Act.

(3) The Secretary shall commence the activities described in sections 2(a)(1) and (2) as soon as possible but not later than 180 days after the enactment of this Act and continue such activities in accordance with reasonable expedition until completed. Such activities required in section 2 shall be completed within 10 years of the enactment of this Act and the appropriation of funds for such activities.

(4) Notwithstanding any other provision of section 2, the Secretary shall retain the control of access to the Island, in consultation with the State of Hawaii and prior to and following the entering into force of the Memorandum of Understanding contained in Section 6 of this Act, until clearance and restoration is completed and control of access is transferred to the State of Hawaii.

(5) The Secretary shall carry out the requirements of section 2 following consultation with the State of Hawaii as required by Section 6 of this Act and with the technical and logistical support, as needed, of the United States Army Corps of Engineers and other federal agencies.

(6) No federal permit shall be required by the United States, its departments, agencies or instrumentalities for any portion of the removal, restoration and cleanup work pursuant to the Act and conducted entirely on Kaho'olawe Island or in its adjacent waters.

(7) Except as provided in section 4 regarding liability and in section 3 regarding the completion of activities and in section 2(a)(2)(A) regarding regular interval cleanups and new discoveries of previously undetected ordnance, the Secretary's obligations and responsibilities under this Act shall terminate 10 years after the enactment of this Act.

8110(B). ENVIRONMENTAL REMEDIATION OF KAHO'OLAWE ISLAND, HAWAII AND ADJACENT WATERS.

(a) ASSESSMENT OF ADDITIONAL ENVIRONMENTAL CLEANUP FOR HAZARDOUS AND OTHER SUBSTANCES.—(1)(A) Not later than 365 days after the date of the enactment of this Act, the Secretary of the Navy shall complete, in cooperation with the State of Hawaii, such studies and appraisals as are necessary to identify the type, quantity, and estimated costs of response, remediation and removal of the hazardous substances other than exploded and unexploded ordnance and other substances, refuse and waste, if any, that are located—

(i) on Kaho'olawe Island; and

(ii) in the waters adjacent to Kaho'olawe Island.

(B) The cost of the studies and appraisals referred to in section 3(a)(1)(A) shall be borne by the Secretary, making use of funds provided pursuant to this Act.

(b) REMEDIATION OF HAZARDOUS AND ENVIRONMENTAL SUBSTANCES.—(1)(A) In furtherance of the purposes of this Act and in recognition of the clearance, removal and environmental remediation obligations imposed by this Act, and that the aforementioned activities are considered a model demonstration project, Kaho'olawe Island is exempt from placement on the National Priorities List. Notwithstanding that conveyance of title to Kaho'olawe Island to the State of Hawaii shall precede clearance or removal and environmental remediation, upon the completion of the studies and appraisals referred to in section 3(a)(1)(A), the Navy shall carry out remediation, clean-up and responses to the hazardous substances and other substances, refuse and waste located on Kaho'olawe Island and in the waters adjacent to Kaho'olawe Island (as identified in such studies and appraisals) that are necessary to protect human health and the environment. The remedies for such clean-up, remediation and responses shall be selected by the Secretary in consultation with the State and in accordance with the purposes of this Act and shall be commenced and completed within the time period identified in section 2(a)(3) of this Act for the removal of ordnance. The cost of such clean-up, remediation and responses shall be borne by the Secretary, making use of funds provided pursuant to this Act.

(2) In this Act, the terms "response," "removal," "remediation" and "hazardous substance" have the meanings given such terms in 42 U.S.C. 9601(14), (23), (24) and (25).

(c) RESPONSIBILITY AND LIABILITY TO CONDUCT RESPONSE, CLEANUP AND REMEDIATION ACTIVITIES.—(1) Notwithstanding the duties and obligations set forth in this Act and notwithstanding the conveyance required under section 1, the State of Hawaii shall not be liable and responsible for the conduct of any clean-up and response actions arising from and relating to the use and environmental remediation of Kaho'olawe Island and its adjacent waters by the United States that, through federal court order, may be held applicable to Kaho'olawe Island.

8110(C). INDEMNIFICATION AND THE CONTROL OF ACCESS.

(a) The Navy shall retain control of the access to the Island during the time period set forth in section 2(a)(3) that it is undertaking unexploded ordnance removal and hazardous materials removal activities required in section 2 of this Act.

(b) During the time period the United States retains control of access to the Island, the United States shall hold harmless, defend and indemnify the State of Hawaii or its political subdivisions from and against all claims, demands, losses, damages, liens, liabilities, injuries, deaths, penalties, fines, law suits and other proceedings, judgments, awards and reasonable costs and expenses arising out of, or in any manner predicated upon, the presence, release or theretened release of any munitions, exploded or unexploded ordnance, solid waste associated with such ordnance or hazardous substance, pollutant or contaminant resulting from the activities of the Department of Defense, including the activities of the Department of the Navy and the Department of the Army and any agent, employee, lessee, licensee, independent contractor or other person on the property during such time that the property was and remains under the control of the Department of Defense, Navy, Army or other agencies of the United States Government.

(c) Nothing in this Act is intended to alter or affect the federal or state requirements of law governing liability following the transfer of control of access to the State of Hawaii, except that the United States shall remain liable for the acts or omissions of its contractors in carrying out the activities required under this Act in the same manner as if the United States engaged in the performance of the tasks delegated to its contractors.

8110(D). LONG TERM PLANNING AND ENVIRONMENTAL RESTORATION ACTIVITIES OF THE STATE OF HAWAII.

(a)(1) Subject to section 8(b) of this Act, the Secretary is authorized to provide $45,000,000 to the State of Hawaii for the purpose of implementation by the State of (i) long term planning (ii) environmental restoration activities and (iii) the terms and conditions set forth in the Memorandum of Understanding required by section 6 of this Act, concerning Kaho'olawe Island and its adjacent waters. Such funds as are provided by the Secretary for the purpose of carrying out this section shall be made available to the State by the Secretary from funds made available pursuant to this Act and shall be provided to the State of Hawaii following the submission of a plan containing the elements identified in (a)(2) of this section.

(2) The State of Hawaii shall use the funds made available pursuant to this section for the purposes of carrying out long term planning and environmental restoration activities, consistent with the purposes of this Act, on Kaho'olawe Island, including—

(A) soil conservation and water resource development;

(B) erosion abatement (including reforestation and revegetation);

(C) stabilization, restoration and securing sites of archaeological or historical significance;

(D) removal or destruction of non-native plants and animals; and

(E) precise identification of those areas subject to cleanup and removal of ordnance described in section 2 of this Act.

(3) Funds in addition to those provided pursuant to (a)(1) of this section may be provided to the State of Hawaii upon the submission of an acceptable plan containing the elements identified in (a)(2) of this section and demonstrating, to the satisfaction of the Secretary, that such funds are necessary to the proper fulfillment of such elements and the purposes of this Act. The Secretary shall have sole discretion to award such additional funds, however, the award of such funds shall not be unreasonably withheld.

8110(E). COOPERATION OF FEDERAL DEPARTMENTS AND THE STATE OF HAWAII AND TRANSFER OF CONTROL OF ACCESS.

(a)(1) Upon the request of the Secretary or the State of Hawaii, and in accordance with existing laws and requirements, any department or agency of the Federal Government may provide assistance to the Secretary or the State of Hawaii, as the case may be, in carrying out their respective duties under this Act.

(2) Within 180 days following passage of this Act the Secretary shall consult with and enter into a Memorandum of Understanding with the State of Hawaii governing the terms and conditions of (i) access to the Island for those purposes set forth in section 5 of this Act and any other cultural, archaeological, educational and planning purposes provided for in this Act, giving due regard to the risk of harm to health and safety involved in providing such access and the need to avoid interference with or disruption of the Navy's clearance, removal and remediation activities; (ii) the timing, planning and methodology of ordnance clearance or removal and hazardous substance clearance and other waste removal and the protection of historical, cultural and religious sites and artifacts, provided that all reasonable effort should be made to avoid harm to such sites and artifacts from the detonation of unexploded ordnance, clearance or removal and hazardous substance clearance; (iii) a model cleanup program emphasizing the use of innovative technology, integrative planning and expeditious implementation of remediation; (iv) the means for protecting historical, cultural and religious sites and artifacts from intentional destruction, harm and vandalism; and (v) public participation, as appropriate, including the opportunity for public comment and hearing. Under any such terms and conditions, the Secretary shall be issued full and necessary access to carry out the obligations of the Secretary arising out of the responsibilities and liabilities of this Act. Such terms and conditions shall remain in existence until the completion of the restoration and remediation activities required by section 2 of this Act and be revised periodically by mutual consent and giving due regard to the importance of access to the Island as the level of cleanup, restoration and remediation moves toward attainment. Nothing in this Act is intended to diminish or alter the rights and responsibilities of the Navy to allow access to the Island that existed prior to the enactment of this Act.

(3) The United States, through the Secretary of the Navy, shall transfer the control of access to the State of Hawaii within no more than 10 years from the date of enactment of this Act or when the activities required by this Act, including ordnance clearance or removal activities in section 2 and the environmental remediation activities in section 3 are completed, whichever comes first.

8110(F). KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION TRUST FUND.

(a) There is established on the books of the Treasury of the United States a fund to be known as the "Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund" (hereinafter in this subsection referred to as the "Fund"). The Fund

shall be administered by the Secretary of the Treasury. The Fund shall be used for the accumulation of funds in order to pay the obligations incurred by the Secretary of the Navy or the Department of Defense in carrying out the purposes of this Act and for properly allocable costs of the Federal Government in the administration of the Fund.

(b) There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

(1) Amounts paid into the Fund from any source.

(2) Any amount appropriated to the Fund.

(3) Any return on investment of the assets of the Fund.

(c) To the extent provided in appropriation Acts, the assets of the Fund shall be available for obligation by the Secretary of the Navy to carry out the purposes of this Act.

(d) There is authorized to be appropriated into the Fund $400,000,000, which may be appropriated as a lump sum or in annual increments. Of the amounts deposited into the Fund, not less than eleven percent shall be made available to the State of Hawaii to carry out the provisions of section 5(a)(1) of this Act.

(e) Amounts appropriated to the Fund shall remain available until obligated or until the Fund is terminated.

(f) Upon payment of all incremental costs associated with the purposes for which the Fund is established, the Fund shall be terminated.

8110(G). APPLICABLE LAW AND JUDICIAL REVIEW.

(A) Federal Courts shall have jurisdiction only to enforce the terms, conditions and provisions of this Act, regarding the activities, duties, and responsibilities in this Act occurring on the Island of Kaho'olawe and in its adjacent waters. Only such terms, conditions and provisions will govern judicial review of the conduct of the United States, its departments, agencies and instrumentalities with regard to any actions arising from or related to the conveyance of Kaho'olawe Island to the State of Hawaii and the clearance or removal and remediation of unexploded and exploded ordnance and the remediation of hazardous substances and other wastes on the Island and its adjacent waters and for the other obligations, duties and purposes set forth in this Act.

(b) The provisions of this Act shall be carried out notwithstanding any other provision of law.

(c) Any person, as defined in 42 U.S.C. 9601(21), may bring an action against the United States, its departments, agencies and instrumentalities to require compliance with the terms of this Act and the obligations of the United States, its departments, agencies and instrumentalities under the Memorandum of Understanding required by section 6 of this Act. Such action shall be commenced no earlier than the 60th day following the date on which the plaintiff gives notice in writing to the Attorney General, the Secretary and other department, agency or instrumentality that the plaintiff will commence such action. Such action shall be brought in the district court for the district in which the alleged violation occurred. In any action under this Section, the United States or the State, or both, if not a party may intervene as a matter of right. The United States, its departments, agencies and instrumentalities shall be subject to only such injunctive relief as may be imposed by the court to enforce compliance with the terms of this Act and the Memorandum of Understanding. Such compliance shall be enforced giving due regard to the need for expeditious clean-up under the terms and conditions of this Act.

8110(H). ANNUAL REPORT TO CONGRESS.

(*1*)(A) The Secretary shall submit annually a Report, in detail, describing compliance with the provisions of this Act. Such Report shall include the comments of the State of Hawaii and be submitted to the Defense Committees of Congress.

Mr. INOUYE. Mr. President, this amendment formalizes the process by which the island of Kaho'olawe is returned to the State of Hawaii. It provides for the conveyance of Kaho'olawe Island, HI, to the State of Hawaii, for the environmental restoration and cleanup of the island, and for other purposes. The amendment follows upon a 2-year study effort by the congressionally established Kaho'olawe Conveyance Commission. Public hearings have been held on the conveyance and a final report has been provided to the Congress by the Commission.

This amendment has been drafted very precisely and with a great deal of thought given to the concerns of environmentalists, as well as those of the Navy, the State of Hawaii, and groups, such as the Protect Kaho'olawe Ohana, which represent the indigenous people of Hawaii. Each has contributed to the drafting of the legislation.

Mr. President, the island of Kaho'olawe has been used by the Navy as a bombing range for over 50 years. By law, bombing has been prohibited for the past 2 years. Therefore, I believe it is timely and in the interest of the United States to recognize and fulfill the commitments made on behalf of the United States to the people of Hawaii and to return to the State of Hawaii the islands of Kaho'olawe.

Kaho'olawe Island is among Hawaii's historic lands and has a long, documented history of cultural and natural significance to the people of Hawaii reflected, in part, in the island's inclusion on the National Register of Historic Places and in the longstanding interest in the return of the island to State sovereignty, public access and use.

Mr. President, it is not only in the national interest, but also an obligation undertaken by Congress and the United States and in furtherance of the purposes of the 1953 Executive Order No. 10436, to recognize the cultural and humanitarian value of assuring meaningful, safe use of the island for appropriate cultural, historical, archaeological and educational purposes as determined by the State of Hawaii and to provide for the clearance or removal of unexploded ordnance and for the environmental restoration of the island for such purposes.

Furthermore, I believe it is in the national interest and an essential element in the Federal Government's relationship with the State of Hawaii to ensure that the conveyance, clearance or removal of unexploded ordnance, environmental restoration, control of access to the island and future use of the island be undertaken in a manner consistent with the enhancement of that relationship, the Department of Defense's military mission and the Federal interest.

To this end, Mr. President, I believe it is in the national interest that the clearance or removal of unexploded ordnance and the environmental restoration of Kaho'olawe serve as a model demonstration project that incorporates the use of innovative technologies and a remedy selection process that will expedite and economize such clearance or removal and environmental restoration while maintaining meaningful participation by affected parties and assuring the protection of human health and the environment.

Mr. President, I hope my colleagues will support this amendment. It restores the island to its proper owners, the people of the State of Hawaii. It addresses the desires of native Hawaiians to return and to worship in their way on an island sacred in their history. It does justice to a people too long denied.

Mr. President, this amendment is acceptable to the managers of the bill. I urge that it be adopted.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I did attend a hearing in Hawaii on this subject with the Senator from Hawaii.

I join him in urging the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

So, the amendment (No. 1075) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 1076

(Purpose: To prohibit the use of Department of Defense funds to pay the cost of excessive compensation for contract seamen)

Mr. GRASSLEY. Mr. President, before sending an amendment to the desk, I want to speak a little bit about some aspects of that amendment, but it is my intention to offer an amendment. The amendment deals with the comparability of Government money to be used in the maritime versus what we pay within the U.S. Navy. I call this approach the defense pay equity amendment.

I think, first of all, I should express my support for the position of the chairman and the position of the ranking Republican that we should not allow costs charged to the Government for individuals at a higher level than

the Government is willing to pay its own workers. They have that in their report as a statement of the position of the committee and eventually the Senate, I hope, that we should not be expending any more of our tax moneys than what we are willing to pay our own people.

But it is my view, also, and my amendment is an extension of that basic philosophy, that it should be applied not only to CEO's of defense contractors but also to U.S.-flag seafarers. Hence my amendment.

I think the chairman and the ranking Republican of the appropriations subcommittee share my astonishment, if not anger, when they realize what U.S.-flag billets are costing.

It is inconceivable that a master costs $44,000 per month; it is inconceivable that a U.S.-flag cook costs more than the captain of a U.S. Navy ship.

Mr. President, this is the pay of the personnel of one ship and one company in America. I cannot identify the company because it is proprietary, but I can tell you this: All the information that is on this chart will be published by the Federal Government within a couple weeks in a report coming out of the executive branch and it will show that this is what a master is paid. Base pay is this much, overtime is this much, and benefits is this much. So this $44,000 would be above what a captain of a U.S. Navy ship would get, which is about $8,000, which includes base pay and benefits as well.

I appreciate the dilemma that the chairman and ranking Republican face with regard to the maritime industry. On the one hand, some of these are constituents of a lot of Members of this body, and I can appreciate that. But on the other hand, let me say that all of your constituents are taxpayers. Furthermore, the maritime industry States along our coast, as well as Hawaii and Alaska, which are the States of our two managers of this bill, shoulder the burden of the Jones Act which gives them a monopoly for the cargo shipped to and from these States. This is no small burden. The International Trade Commission reported a couple years ago that the Jones Act costs consumers and businesses several billion dollars and destroys thousands of jobs.

Now, the outrageous billet costs explains why the Jones Act is such a burden for a lot of States and why cargo preference laws and operating differential subsidies are so costly to the taxpayers.

Let me explain here that my amendment deals not with operational differential subsidies, and not with cargo preference, not with the Jones Act. It deals with the transportation of equipment and material for our Defense Department. It does not apply to anything commercial and it does not apply in any way to our U.S. aid programs or aid to Russia, which has been the debate in recent years or recent months where we have had some other subjects dealing with cargo preference come up.

So, I hope that my colleagues will distinguish this amendment from other recent debates and rollcalls that we had involving the maritime industry. These debates have dealt more appropriately with cargo preference, or they have dealt with restrictions, or eliminating some restrictions on aid, to transportation of aid to Russia.

So, Mr. President, I say to my good colleagues from Hawaii and Alaska that I understand the dilemma that this amendment might pose for them and anyone else whose constituents include U.S.-flag seafarers.

On the other hand, although they may not say so, U.S.-flag merchant marine companies probably support my amendment. If labor costs were not so high, there would be far less pressure on American companies to reflag under foreign flags.

But for the rest of us in the Senate who do not have these immediate pressures, this gives us an opportunity—and, hence, my amendment—to sort out our priorities in a clear and open manner.

For today, I think we are going to expose loud and clear the myth of the "Fourth Arm of National Defense," the U.S. maritime. That taxpayers support a master's billet that costs $44,000 per month has nothing to do with national defense. Paying a Navy captain $8,000 to $9,000 per month to defend our Nation year round is a national defense matter. But paying $44,000 per month for a U.S.-flag master's billet cannot be justified in the name of national defense any more than paying $1,800 for a toilet seat.

Furthermore, it cannot be justified on commercial grounds. The competitive marketplace will not justify this kind of pay, and that is why we have American companies reflagging—to shed the costs of these U.S. seafarers.

Mr. President, there are those of us in this body—and sometimes we are barely a majority, but a lot of times we are only a strong minority—who have been trying to change our governmental approach of support for the maritime industry. You have heard me say that there is not anything wrong with a subsidy per se, but with programs like the Jones Act, cargo preference, or even operating differential subsidies, too many of these costs are hidden. And if we are going to subsidize our maritime, we ought to do it up front and open it up.

I am extending to that argument today the fact that the subsidy should have an equity between what we pay our U.S. Navy personnel and the subsidy which would go toward this figure. It should be comparable. The subsidy in this maritime figure is much, much higher.

So I am extending that argument a little bit today.

Mr. President, are we willing to perpetuate a double standard that discriminates against the men and women who serve in our uniformed military? Maybe I should be offering an amendment to pay our Navy captains $44,000 per month. I imagine raising military billet pay and benefits to the level of the so-called "Fourth Arm of National Defense" would cost hundreds of billions of dollars. So, of course, we cannot do that.

But I am not willing to tell our men and women in our uniformed military that they are second class citizens.

But if we defeat this defense pay equity amendment, every military man and woman from every State has a right to stare their Senator in the face and then ask them that tough question.

They should also ask why, when Uncle Sam needs seafarers for defense sealift, seafarers have the right to say, "Thanks, but no thanks," and have no obligation to serve.

Now I know that thousands do serve. But, they have the right not to. Whereas, our people who are in the Reserves, the National Guard or in full time military, when they are called and sent someplace, their lives in danger, they must go. I wish you would think about that a little bit.

After being paid about $44,000 a month, year in and year out, thanks primarily to the American taxpayers—not totally to the American taxpayers but an overwhelming amount of it—all in the name of national defense—when we need them, these people can say to Uncle Sam, "Take a hike." Our military men and women do not have that option.

They may also want to ask why taxpayers must support war bonuses for seafarers at 100 percent base pay, plus an extra $600 per day if their vessel is attacked, while our uniformed military men and women—the people that are there all the time, including the National Guard and the Reserves who have to go if they are called up—dodging real bullets, but are given only $150 per month. Not $600 a day, and not war bonuses of 100 percent of base pay. During the Persian Gulf war, according to the Maritime Administration, one seafarer received $15,700 in war bonuses for a 2-month period.

Is it any wonder that the military and defense publications have expressed an interest in bringing some equity to this inequitable environment? And I think these defense publications are following this debate today.

No longer will these unjustified inequities and wasteful expenditures be kept in the dark.

My amendment allows a subsidy at a reasonable level. That reasonable level is equal to what we are willing to pay our own military men and women, the people that are there full time, who have to be ready to move on a moment's notice.

If we have to subsidize U.S.-flag seafarers at a higher level than that, then we are no longer talking about the fourth arm of national defense. We are talking about a high-priced welfare system, pure and simple. We will need to change the name of the U.S. merchant marine to the U.S. mercenary marine.

The defense pay equity amendment, which I will offer, puts teeth into this Senate Appropriations Committee report that I have already spoken about. This report for this bill reads:

> The committee emphatically states its position that DOD should not allow costs charged to the Government for any individual to exceed what the Government is itself prepared to pay its own senior executives, for example, Cabinet officials.

Now, let us look at that. A major executive in a major defense contracting company in America gets well over what a Cabinet person gets. We are not going to reimburse beyond—or at least the committee is saying that it ought to be the policy of our Government not to reimburse beyond—what a comparable position in the Government would get.

Currently, taxpayers are forced to support U.S.-flag merchant marine seamen billets at a far higher level of pay and benefits than those provided billets for men and women who serve our Nation in the Army, Navy, Air Force, and Marine Corps.

For example, the data sheets that I recently sent to my colleagues—and everybody in this body received a "Dear Colleague" letter, I believe, last Thursday or Friday—reveal that while an O-6 Navy captain billet costs about $8,422 per month, a U.S. master's billet can cost over $44,000 per month.

As I said before, a U.S.-flag cook's billet costs more than that of a Navy captain.

Remember, per capita income for Americans is about roughly $15,000 and median household income about $30,000.

How can we expect these American taxpayers to support U.S.-flag merchant marine billets running as high as $44,000 per month?

If the U.S.-flag merchant marine wants to be called the fourth arm of national defense, then Congress should make them start living like it.

We all have constituents in the full-time military who, because of budget cuts, face unemployment lines.

Just think of 200,000 or 300,000 people who are going to be out.

So there are military people potentially joining unemployment lines. So we have a double standard. We have cut our real military at the same time the administration is about to propose $1.1 billion in more U.S.-flag subsidies of this nature for the maritime industry, subsidies that will benefit a relative handful of companies and a mere 1,000 or 2,000 seafarer billets, all in the name of national defense.

Again, I want to make very clear: We are adding maritime subsidies about the same time we are sending some of our full-time military men and women pink slips. But we send our U.S.-flag seafarers Uncle Sam's Gold Card.

Again, the issue is not, are we going to have a subsidy for the maritime? The issue is should that subsidy be more than we pay our full-time military people? Beyond that, there are other subsidies that are not even involved in my amendment that are very important subsidies. My amendment does not call for the elimination of those subsidies. But I have argued that there should be some limit within which those subsidies operate above world market prices, and, second, that they be appropriated up front.

The defense pay equity amendment goes to the heart of the reason our U.S.-flag merchant marine fleet is sinking—the unreasonably high cost of crews.

I know you are tired of hearing these arguments, but we have had these sorts of subsidies for decades and decades. Figures in the 1950's showed we had 1,100 ships in our merchant fleet, and figures today would show that is in the neighborhood of over 200 but not much over 300—in that range.

Over the last 10 years, Congress has ignored the warnings of a person who was out there as a prophet, trying to bring this deterioration to our attention. He is former military Sealift Comdr. Kent Carroll. He warned that a major reason for the decline of our U.S.-flag merchant marine is because it is burdened by the highest crew costs in the world.

My amendment is a modest step toward restoring pay equity between our real military men and women and the mythical fourth arm of national defense. It is a modest step toward protecting taxpayers from the abuse and waste of unrestrained maritime subsidies.

Many Members of this body would chastise me for making too modest a step. It does not relieve the taxpayers of the costly featherbedding practices of our U.S.-flag carriers, nor does it eliminate the double standard that allowed a U.S.-flag seafarer to collect $15,700 in Persian Gulf war bonuses in 2 months while our men and women in the full-time military, dodging real bullets, were limited to $150 per month. What is worse, had the seafarer's vessel been shot at, the seafarer could have collected an extra $600 per day.

But the defense pay equity amendment will assist toward putting our U.S.-flag merchant marine back on the road to recovery. At the same time, it may save taxpayers hundreds of millions of dollars. Certainly, these billet costs—$44,000 for a master—must make Congress realize the U.S.-flag merchant marine has been incapable of restraining itself when negotiating labor contracts. And why should they show restraint as long as Congress allows them to pass these costs on to the American taxpayer? And the seafarers brag about this largess.

The June 1990 edition of the Seafarers Log reported that the Seafarers International Union was able to secure a new contract guaranteeing them a 15-percent increase over 3 years, plus they would get an additional cost-of-living increase during the second and third year of the contract for anything over 5 percent inflation. Furthermore, they negotiated the retention of high manning levels for vessels, manning vessels above what are actually needed. The U.S.-flag companies had tried to hold the seafarers union to a 6-percent increase over 3 years and to reduce crew sizes, but the companies lost, and so did the American taxpayers.

The seafarers brag in their publication that this new contract was far better than what other unions got around the country. The contracts for the rest of America's labor force averaged 3.3 to 3.8 percent increases, far less than what the seafarers got.

As long as Congress turns its head and keeps an open credit line to Uncle Sam's Gold Card, who cares?

The Office of Management and Budget reported that in fiscal year 1991, the cost of cargo preference subsidies—and let me make this clear, a cargo preference subsidy is the difference between what a Government agency is forced to pay U.S.-flag companies and what they could have paid on a flag-of-convenience vessel, the latter of which could be owned by Americans.

OMB reported that in fiscal year 1991 cargo preference cost the Defense Department $919 million. For all agencies the cost was $1.099 billion. Most of the defense cost was related to the cargo preference premium we gave U.S.-flag companies during the Persian Gulf war.

OMB's most recent report estimates cargo preference will cost $592 million during fiscal year 1994, and Defense will have to pay $395 million of that.

The interesting thing about cargo preference, according to the Maritime Administration, is cargo preference only supports about 2,000 billets. So you can see we are providing a premium cargo preference subsidy averaging well over $250,000 per billet, and possibly as high as $300,000 per billet.

Let me again emphasize, my amendment has nothing to do with cargo preference law, but I think we ought to make it clear the source of the costs to the taxpayers for this subsidy program that is addressed by my amendment.

The defense pay equity amendment will prohibit the Defense Department from subsidizing merchant marine billets at a higher rate than regular military billets. We do not mandate—understand—we do not mandate what companies pay their employees generally. But we do guarantee that crew

cost subsidies for the handling of any particular defense cargo will not exceed what the taxpayers paid to support comparable billets for our men and women in the full-time military.

Therefore, sufficient time is allowed in my amendment for U.S.-flag carriers and seafarer unions to renegotiate more reasonable pay and benefits in parity with comparable military billets, as determined by the Secretary of the Navy.

To ensure these changes, my amendment states that after December 31, 1993, no DOD contracts can be offered to any U.S.-flag merchant marine company that provides billet compensation higher than that provided to regular military billets for the carriage of that particular defense cargo.

There are two primary programs that force American taxpayers to support these incredibly high cost U.S.-flag merchant marine billets. One way is through the various cargo preference laws I have already referred to.

Of course, this is a backdoor, hidden subsidy that I have argued on this floor before that ought to be up front and appropriated. These costs are passed through to the American taxpayers through what are called fair and reasonable rate schemes. Individual U.S.-flag carriers submit to the Maritime Administration crew costs and other operating and capital costs. MARAD, in turn, determines how much each carrier can charge Government agencies for any given cargo.

The higher the crew cost, the more MARAD allows a carrier to charge. Consequently, you may find MARAD determining that a bid of $50 per ton by one carrier and a bid of $100 per ton by another carrier—for the same cargo—are both, according to their approach, fair and reasonable.

As a side note, although MARAD has the legal authority to administer a fair and reasonable rate scheme for defense cargoes, they have deferred to a scheme that allows the Department of Defense to take bids using the Federal Maritime Administration's tariff filings.

DOD thinks that it can get better bids by reminding U.S. flags what foreign flags are getting for cargoes. Nevertheless, OMB has reported that the cost of DOD cargo preference still is the largest among all agencies, again $919 million in fiscal year 1991, and $395 million potentially in fiscal year 1994.

This scheme, of course, amounts to an open checkbook to Uncle Sam's Treasury and provides little or no incentive for U.S.-flag companies or unions to restrain their costs. Consequently, the Federal Government is forced to pay an extra $592 million per year in cargo preferential differential subsidies to support these approximately 2,000 U.S.-flag merchant marine billets. Again, that is well over $250,000 per billet.

A second support program is the Operating Differential Subsidy Program. This program requires taxpayers to pay the difference between the cost of U.S.-flag and foreign-flag billets and, in some cases, additional cost differences. Generally, 85 percent or more of the ODS covers crew cost differentials and costs taxpayers between $100,000 and $120,000 per billet annually.

Granted, not every U.S.-flag crew enjoys these lucrative benefits provided by this specific U.S.-flag carrier shown by the example attached to the easel. But this is not my point, Mr. President. Why should taxpayers support any billet at a higher rate than we support our military billets? This point is in 100 percent agreement with the committee's position on executive pay that is in their report.

Nor is it relevant that U.S.-flag billets are shared by two or three individuals. Why should taxpayers be forced to support a master at the rate of $44,000 per month over 6 months who will then either take a shoreside job or go on vacation?

We also have examples of some seafarers drawing unemployment benefits once returning shoreside, even though they are given vacation pay.

Worse yet, after years of lucrative tax subsidies, when Uncle Sam calls, these people can reject the call. Our full-time military people, as well as Reserves, as well as National Guard, cannot refuse. There are instances of this being the case as most recently as the Persian Gulf. We can pay reservists a very small fraction in comparison, and when they are called, they serve.

The answer to our defense sealift needs is not squandering more money on the U.S.-flag merchant marine. The answer is to bring their tax-supported salaries and benefits in line with other military personnel.

I hope you agree that paying a merchant marine cook more than a Navy captain in the name of national defense is as wasteful and absurd as paying $1,800 for toilet seats and $400 for hammers. I think it is time to draw the line.

No one can say we expect seafarers to live on Third-World wages, like they claim, or like their proponents have argued on the floor that we have been trying to do when we have offered other amendments.

If the defense pay equity amendment is adopted, we allow taxpayers to foot the bill of crew billets, but only up to the cost of regular military billets.

I am going to yield the floor just as soon as I send the amendment to the desk and ask that it be read. Then the amendment will be before us.

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] for himself, Mr. BROWN, and Mr. BURNS proposes an amendment numbered 1076.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 68, line 20, after "law," insert the following: "the Secretary of the Navy may not obligate funds after December 21, 1993, for entering into any sealift contract or charter under which the Secretary, as determined by the Secretary, is to pay, either directly or indirectly through a contractor or subcontractor, compensation (including regular rate pay, overtime rate pay, and other pay-related benefits) with respect to a seaman billet at a total cost that exceeds the total cost to the Federal Government of the compensation that is provided by the Federal Government with respect to a comparable military billet reserved for, or filled by, a member of the Armed Forces of the United States,".

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. Is there debate?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. I will yield to the Senator from Colorado, but before he proceeds, I would like to temporarily set aside the measure for 2 minutes.

AMENDMENT NO. 1077

(Purpose: To provide appropriations for the Department of Defense Pilot Mentor-Protege Program under which developmental assistance is furnished by major Defense contractors as mentors to small business concerns owned and controlled by socially and economically disadvantaged individuals so that such firms may become better qualified subcontractors or suppliers on Defense contracts)

Mr. INOUYE. Mr. President, I ask unanimous consent that the pending matter be set aside temporarily to give me an opportunity to submit an amendment in behalf of Senators NUNN, THURMOND, BINGAMAN, and SMITH.

I send to the desk the amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] for Mr. NUNN, for himself, Mr. THURMOND, Mr. BINGAMAN, and Mr. SMITH, proposes an amendment numbered 1077.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . Of the funds appropriated for title III of this Act, $50,000,000 shall be made available for obligation until September 30,

1996 for the Department of Defense Pilot Mentor-Protege Program, pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note), as amended: *Provided*, That funds made available may be used by a military service or a Defense agency to reimburse costs incurred by a contractor (or subcontractor) under an approved contract line item for the provision of mentoring assistance pursuant to an approved Mentor-Protege Program developmental assistance agreement.

Mr. INOUYE. Mr. President, I am pleased to advise the Senate that this matter has been studied, and the managers have no objection. We seek its immediate adoption.

Mr. NUNN. Mr. President, I rise to offer an amendment and ask for its immediate consideration.

Mr. President, this amendment would make available $50 million for the continued implementation of the Department's Pilot Mentor-Protege Program. This amendment enjoys bipartisan support. I am pleased to have as cosponsors Senators THURMOND, BINGAMAN, and SMITH.

The Senate's version of the National Defense Authorization Act for fiscal year 1994 includes a specific authorization of $50 million for the Pilot Mentor-Protege Program. This program enjoys bipartisan support within the Congress. The conference report for the National Defense Authorization Acts for fiscal year 1992 and for the fiscal year 1993 bill, both included authorizations at the Senate-passed level of $30 million for fiscal year 1992 and $55 million for fiscal year 1993. With the strong support of the chairman of the Senate Defense Appropriations Committee, Mr. INOUYE, and the ranking Republican member, Mr. STEVENS, the DOD Mentor-Protege Program received essentially full funding in both fiscal year 1992, $30 million, and fiscal year 1993, $45 million.

Although enacted in November of 1991, DOD's Pilot Mentor-Protege Program represents the newest congressional initiative to foster minority business enterprise. It provides a congressionally-recognized framework through which major Government contractors can foster the business development of small business concerns owned and controlled by socially and economically disadvantaged individuals, often referred to as small disadvantaged businesses [SDB's].

The Mentor-Protege Program's authorizing legislation stresses the ability of the mentor firm and its proteges to custom design mentoring programs that meets their mutual needs. The authorizing statute recognized virtually every type of developmental assistance. Mentoring regarding general business management skills, such as financial and personnel management or marketing and proposal development. Mentoring with respect to engineering and technical skills, such as production planning and quality assurance. Loan and limited capital investment are also authorized to meet the protege's needs for working capital. To provide opportunities to sharpen performance skills, subcontracts can be awarded on a noncompetitive basis, and accelerated progress payments are authorized.

Mentor firms can obtain partial reimbursement of mentoring costs under an existing DOD contract, if funding is made available by the DOD program manager. During 1992, the first full year of the program's implementation, several program-based Mentor-Protege Programs were initiated by the military services, utilizing program funding. For example, the Navy initiated the first effort under the F/A-18E/F Program, with the McDonnell Douglas Corp. as the mentor firm and River City Metal Finishing Co. as one of the proteges. River City, a startup company, is being assisted to become a state-of-art metal finishing operation in both production and environmental terms.

The Air Force initiated two program-based Mentor-Protege Programs, one on the F-16 Program and the other on the F-22 Advanced Tactical Fighter Program. With the F-16 Program and its Foreign Military Sales Program, Lockheed Fort Worth Co., the successor to General Dynamics Fort Worth Division, is serving as the mentor and Clarkco as the protege. Lockheed Fort Worth will be assisting Clarkco regarding their capabilities in the manufacture of composite airframe structures, based on technology innovations developed by Clarkco. On the F-22 Program, the Air Force program manager has allocated $10 million to support an array of Mentor-Protege relationships by Lockheed Aeronautical Systems Co. and its partners Boeing Miliary Aircraft Co. and United Technologies Pratt & Whitney, relating to the F-22 airframe and its F-117 engine. Several other major programs of the Army, Navy, and Air Force include mentor-protege programs.

The statute also authorizes reimbursement of mentoring costs through separate agreements between DOD and the mentor firm. During the spring of 1993, DOD conducted a competition for the award of cooperative agreements for the provision of mentoring assistance. On August 7, 46 cooperative agreements were awarded providing assistance to 74 proteges.

The Mentor-Protege Program is working. This funding will enable the program to continue to advance the participation of SDB's in DOD contracting as well as contracting opportunities of other Federal agencies and the broader commercial marketplace.

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

The amendment (No. 1077) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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

AMENDMENT NO. 1076

Mr. BROWN. Mr. President, I rise in strong support of the Grassley amendment. We have debated cargo preference a number of times in this Chamber. I will not try to extend that deliberation other than to make some very quick observations.

I want to share with the Members information that I was able to gather from talking to our new U.S. Maritime Administrator, Admiral Herberger. During the nomination process, he was kind enough to respond to a number of questions. I might say, Admiral Herberger, a vice admiral of the U.S. Navy, is an impressive individual. While I respectfully disagree with his position on cargo preference, I think everyone who meets him feels it is an honor to have him continue to serve our country in the capacity of Maritime Administrator.

I will also say, while I do not agree with his position, I have confidence that he is willing to and will try to take an objective look at this area and come up with suggestions for improvement.

Having said that, I want to share briefly with the body some of the facts he was kind enough to supply me. I might emphasize, these are responses from someone who is a strong advocate of cargo preference.

One of the questions I asked was, I think, a fundamental one, and I hope it is one that all of our colleagues are concerned about. That was simply to inquire as to what the original intent of cargo preference was to begin with. He reminded me that it had been prescribed in statute for military cargoes since 1904 and for nonmilitary cargo since 1954.

In that period of time, he laid out two basic intents of cargo preference. One was to stimulate the U.S. economy through shipments on U.S. vessels; and the second cargo preference goal, as he outlined it, was to foster the development of U.S.-flag vessels in commerce in peacetime so that U.S.-flag vessels and crews are available during times of national emergency.

Mr. President, I think it is worth taking a look at those goals and asking ourselves a simple question: Has the program that has been in effect since 1904 for military cargo and since 1954 for nonmilitary cargo met the goals that that legislation was offered for? If it has, you can debate the goals, but at least you can admit it has met the guidelines Congress set forth. I think Members will feel these facts included in the administrator's letter apply.

First of all, with regard to U.S. vessels, I think Members will be interested to know that in order to qualify for cargo preference, you do not have to be a U.S. vessel, a U.S.-made vessel. In other words, many of the vessels that enjoy the very lucrative rewards of coming under cargo preference, the very huge taxpayer subsidies, are not U.S.-made vessels but, in fact, are made overseas.

Moreover, I think many Americans will be shocked to know that U.S.-made vessels do not necessarily qualify for cargo preference. They have to be U.S.-flag vessels. In other words, non-U.S.-made vessels, not made in America, get the subsidy, and some of the vessels made in America do not get the subsidy.

If the goal as outlined is to stimulate the U.S. merchant marine and vessels, I submit that having American-made vessels not qualify for the subsidy if they are not flagged here, and having foreign vessels qualify for this subsidy if they are flagged here defeats the very purpose of the underlying cargo preference subsidy.

Second, Mr. President, I think it is worth noting, as the admiral notes in his response, that 55 foreign military vessels of over 1,000 tons—there are additional foreign vessels that qualify—but 55 of the vessels that qualify for cargo preference and receive the subsidy were built overseas, not in the United States.

Another goal outlined by the admiral is to help build up our merchant marine. I think the implication is our personnel, our crews as well.

It may shock members to know, though, that Americans who serve in the merchant marine that are not on a U.S.-flag vessel—and there are many—do not get the subsidy, and non-Americans who do serve on U.S.-flag vessels do get the subsidies.

Let me repeat that. If you are an American but do not work on a U.S.-flag vessel, you do not get the cargo preference subsidy. If you are not an American, if you are a foreign citizen, if you owe your allegiance to another country and work on a U.S.-flag vessel, you do get the subsidy.

So the second area that is laid out for the purpose of this, I think, is thwarted by the very action itself. If we are really serious about the goals, maybe we ought to restrict it to the U.S.-built vessels and maybe we ought to restrict it to U.S. crews. But that is not what it does. It provides this subsidy to foreign-built vessels and foreign crews.

Mr. President, I asked the admiral, also, what the size of the fleet has been. Let me just give you a quick comparison. There are a number of numbers here, but I think it is a fair question to ask: Look, if we have had this huge, costly $1 billion subsidy for a number of years, what has happened to the number of ships we have?

Here are the admiral's numbers. In 1954, we had 3,439 U.S.-flag vessels. Those are the ones that get subsidies—3,439 U.S.-flag vessels. The year 1954 is of note because that is when we even expanded cargo preference to provide even more subsidies.

The number of U.S.-flag vessels with the cargo preference subsidy went from 3,439—not up but down—to 603 vessels—a fifth to a sixth as many. In other words, we lost almost five-sixths of the fleet while we have had the subsidy in place.

Mr. President, whether you are for cargo preference or you are against cargo preference, if someone tells you, look, we have had a subsidy to encourage this activity to grow and it shrunk by five-sixths, does not somebody ask the question, look, is this working? Is it working? How can anybody look at these numbers and say it is working? It is a disaster. It is a disaster by the very standard that the advocates of cargo preference put forward, that is, expanding the merchant marine, expanding our crews, expanding our vessels that are available. We have gone from 23.9 percent of the world fleet down to 2.5 percent of the world fleet.

Now, Mr. President, some would say, "Wait a minute. Wait a minute. Just the number of vessels does not tell the full story." That would be correct. Perhaps even more important is the gross tonnage, or the deadweight tonnage. Indeed, those numbers are a little different. Let me share those with the body.

In 1954, when we added nonmilitary vessels to the subsidy, we had 37,000 deadweight tons, 37,199, according to the admiral, deadweight tons of cargo preference. The subsidy is expanded, and by 1992 it has dropped from 37,000 down to 22,462 deadweight tons. It has gone from 31 percent, 31.1 percent of the deadweight tons in the world fleet down to only 3.4 percent of the deadweight tons in the world fleet.

The numbers are a little different, but the trend is exactly the same. The existence of the subsidy hurt our share of world shipping tonnage, hurt the number of vessels that we have under the program.

By any standard that you want to apply, this program cannot be called a success unless you are somebody who gets the money in your pocket. It is perhaps a success to them because they get paid more than others who compete with them.

Mr. President, I asked the admiral how many days the average U.S.-flag vessel crew works. Some take shots at Congress. Some are worried about our schools not being open enough days. But the average taxpayer in this country knows. They work every working day, unless there is a holiday or unless they get a vacation. Some of our folks get a couple weeks' vacation, some get none. Some of them get 4 weeks if they are lucky.

The average number of working days by these folks, who, by any standard, are reasonably well paid, and certainly much higher paid than most workers in America, is 144 days a year. That was the comment of the advocate of cargo preference. That is the advocate of cargo preference who gave me that figure, not a detractor—144 days worked.

Is this working? Well, it works if you only have to work 144 days, but for the taxpayers who pay the bill, who have to shell out the money for this subsidy, it does not work so well.

Again, Mr. President, those are not my figures. Those are the ones supplied by the advocates of it.

Mr. President, I also asked the admiral what are the salary ranges on U.S.-flag vessels. I believe the distinguished Senator from Iowa has brought to the Senate some very valuable background in comparing annual salaries, and I think they speak for themselves. But we laid out a number of countries: United States, Denmark, Germany, Greece, Japan, Hong Kong, Singapore, Taiwan. It was meant to be a broad-ranging group that would encompass a wide range of countries that own vessels or foreign registration vessels.

The list we got back was not the figures that the Senator from Iowa has, which are complete figures. The list we got back was of salaries, only base wage cost. The Senator from Iowa has complete cost, a complete breakdown, fringe benefits and so on, bonuses. These are just the base wage costs.

For a master: United States, $9,100; Denmark, $3,100; Germany, $3,750—and that is an interesting figure because while their average worker salary is comparable to ours or even higher than ours in many areas, perhaps because of the drop in the value of the dollar, theirs is something near 30 to 40 percent of our salaries—Greece, $16,100; Japan, $3,500; Liberia, $4,270; Singapore, $2,950; Taiwan, $3,700.

Mr. President, those are the salaries for a master, according to the admiral, on a monthly basis. That is base salary; that is not full salary. In other words, the United States is more than double its nearest competitor on this list, more than double, and these are the base salaries alone per month.

Mr. President, I believe that if we sincerely want to accomplish the goals that cargo preference was laid out for, you have to find a different program. What we accomplish with cargo preference is to line the pockets of some very wealthy people, but we do not accomplish the goal of expanding the number of U.S.-flag vessels. It has dropped. We do not expand the goal of making U.S. ships more competitive.

Let me just simply share some additional figures on staffing levels that we asked for. We asked the admiral to compare U.S. staffing levels on U.S.-flag vessels with staffing levels of other countries. Here are the admiral's words.

With vessels of other highly developed nations operating the crew of 21 in liner trade and from 19 to 20 in bulk trade.

Obviously, it varies on what kind of cargo they are carrying or how their staffs are set up.

Comparable foreign flag vessels operate with about 16 crew members when engaged in point-to-point navigation.

Let us see what we have established. We have established by the advocates of cargo preference that others operate with smaller crews. We have established that our pay rate for masters is more than double the highest in the category we study, and there may be more. If other Members have other countries they want to bring in for comparison I certainly welcome that. We are talking about cargo preference vessels not necessarily being American in production, not necessarily being American crews in nationality, having staff levels significantly higher than their competitors, and wages dramatically greater than their competitors.

Productivity per person less, pay astronomically higher, and working an average of 144 days.

Mr. President, this is wrong. This is not a question of who you like, or their lobbyists, or what their PAC does. This is not a question of trying to help America. This has not helped America. This is not a question of whether we have more U.S.-flag vessels or not. It has not done that. It is a question of looting the taxpayer to pay for a program that does not work and that unfairly penalizes the working men and women of this country. Americans will put up with a lot. But they want to believe that their legislators are at least trying to do the best for them. Mr. President, the facts are very, very clear.

This program has not produced more U.S.-built ships. It has not produced more U.S.-flag ships, it has not produced more U.S. crewmen and women. It has not produced greater efficiency. It has not produced competitive pay rates. It has not produced—and I repeat, it has not produced—competitive rates for the shipment of U.S. cargo.

It has served the special interest groups, but surely that should not be our standard. Surely, at some point we owe the taxpayers of this country a better deal than cargo preference.

I relinquish the floor, Mr. President.

Mr. INOUYE. Mr. President, I rise to oppose the amendment offered by the distinguished Senator from Iowa.

Mr. President, before proceeding I ask unanimous consent that a letter addressed to me from the Secretary of Transportation, dated October 19, be made part of the RECORD.

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

THE SECRETARY OF TRANSPORTATION,
Washington, DC, October 19, 1993.

Hon. DANIEL INOUYE,
Chairman, Subcommittee on Defense, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to questions posed by your staff concerning the amendment that Senator Grassley intends to offer during Senate debate on H.R. 3116, making appropriations for the Department of Defense for fiscal year 1994. I understand that the amendment would alter existing cargo preference law by requiring that, after December 31, 1993, the Department of Defense not contract with United States-flag carriers that pay their merchant seamen more than United States military personnel for comparable billets.

The Department believes this amendment is inappropriate at this time due to the Administration's review of cargo preference laws as it develops a maritime revitalization proposal. This amendment would foreclose the Administration's options on the cargo preference programs. The Administration does not support any changes to existing statutes in this area at this time.

Therefore, the Department opposes the amendment to be offered by Senator Grassley.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

FEDERICO PEÑA.

Mr. INOUYE. Mr. President, if I may, I would like to read a few portions of this letter:

The Department believes this amendment is inappropriate at this time due to the administration's review of cargo preference laws as it develops a maritime revitalization proposal. This amendment would foreclose the administration's options on the cargo preference programs. The administration does not support any changes to existing statutes in this area at this time.

Mr. President, this debate so far proves once again that numbers or statistics can be very misleading. Two persons can receive the same numbers and suggest different conclusions.

For example, it has been stated that a Navy captain's billet is $8,442 per month. That is the Navy captain's pay. And compare that to a U.S.-flag master on a commercial ship, and he cited $44,000 per month. That is a horrendous difference. That is much more than many of the presidents and chief executive officers in the United States.

How do we come to these numbers? The base pay of a Navy captain is $8,442. The $44,000 is achieved from the total maritime program divided by the number of personnel. For example, the bill that we are considering this morning, the defense appropriations bill, calls for the spending of $240 billion. Of that amount, approximately $40 billion is for civilian pay. So if you divide $200 billion by the number of troops, 1.6 million, you will come up with approximately $120,000 per man and woman in the military.

The real facts are: a private receives $9,777. And if you include his clothing allowance, his housing allowance, three meals a day, health care, it would come up to $15,621.

For a lieutenant, his pay is $18,727. And if you include all of these allowances, dependency allowances and such, it is $34,000.

The real master's pay is not $44,000. His base pay according to the Maritime Administration is $5,350 per month. We are speaking of a billet. He works approximately 6 months a year. That is his pay, 6 months, about $35,000, $40,000 a year, not $44,000 a month. But he is on call 12 months a year. It is like a Navy captain who is commander of a carrier. A carrier does not stay out on the high seas for 12 months with the same crew. If that ever happened, none of the spouses would be happy.

So our crews stay out on the high seas for a maximum of 6 months. They are rotated. So a billet calls for two people. There are two masters for this ship, two captains for the carrier; two executive officers.

So let us not get confused by numbers and statistics. All of us can use numbers and confuse the debate. But that is not the purpose of the debate, I would hope it is not so.

Since my dear colleague from Colorado spent time looking back into the history of the maritime industry, I would like to do the same.

In January 1946, a few months after the great victory of World War II, America literally controlled the seven seas. The British fleet, the British merchant marine, was almost nonexistent. They were all on the bottom of the sea. The Japanese fleet, the Japanese merchant marine, was nonexistent. There were no Chinese fleets of any category, no Korean fleets. The German fleet? All on the bottom of the seas. Russian fleet? None. We were numero uno. And if you wanted to carry cargo from your shore to another shore, you had to call upon an American merchant fleet. We were that powerful. But then as great humanitarians, we decided to help the less favored of this world—the Marshall plan. So we rebuilt Germany; we helped Russia; we rebuilt Japan, Great Britain, France, all of these countries.

Today, even the bankrupt Russians have more ships than the Americans. We rank No. 14, Mr. President—No. 14. In 1946, we were No. 1. Since then, and rightfully so, we have maintained a high standard. Our ships are the safest. I would not want my son to work on a Chinese vessel, or Korean vessel, or Japanese vessel, or British vessel. I would want my son to work on an American vessel, where I know that all of the safety features are included. That is why they are expensive.

I am glad the Senator from Colorado brought out the comparisons of pay. That is the problem we have. If it were not for the cargo preference laws, if it were not for the subsidies, we would not be No. 14, Mr. President; we would be No. 0.

One may ask the question: Why is it so important that we maintain a fleet? Why can we not just call upon the British or the Greeks, or whatever country it is, and ask them to provide shipping for us?

Mr. President, I remember a little war that occurred in the Middle East—the so-called "Yom Kippur war." In that war, because of the sudden attack by the Egyptians, the Israelis found themselves on the verge of collapse. In a few short days they had to use up all of their armaments, their bombs, their bullets. So, desperately, they called upon us for assistance, supplies, war materiel. We called upon our merchant fleet to carry this cargo and, because our fleet was so small, there were none available. We called upon Americans with ships under foreign flags.

The Senator from Colorado spoke of American ships under foreign flags, Liberian, or Panamanian flags. We asked them, "How about carrying cargo to Israel." They received the word from Saudi Arabia that if you do carry cargo, you are not going to do business with us. So no one—no one—came to the aid of the United States. We had to fly in the cargo with our military cargo planes. Two of them nearly got shot down. If they had been shot down, I suppose we would have been involved in a war at that time.

It is in our national interest to maintain a merchant fleet. Mr. President, it is expensive, but not as expensive as my friends from Iowa and Colorado would suggest. And as I indicated by reading excerpts from the letter, the administration is, at present, looking into new proposals to present to the Congress of the United States. I hope that we will have the patience—just a few months—to wait upon the administration for their report.

Cargo preference has been maligned, and very much so, Mr. President. Every country with a merchant fleet has cargo preference. We are the last to join the cargo preference class, and we are reluctantly doing that.

For example, Mr. President, mail coming from the British Isles to the United States is always carried on British ships—always. Mail coming from Germany is always carried on German ships or German aircraft. Mail from Japan, cargo from Japan, is always on Japanese ships.

On the other hand, we are a free enterprise country. We are an open country, and so we proclaim to the world: Come in and bid. We want to send our mail from the United States to Europe, and the lowest bidder will get the business.

We pay our sailors a comparable wage with those men and women who work on the shore, which admittedly is much higher than those in Europe. If my memory is correct, Mr. President, last year the lowest bidder was a Polish steamship company. They are carrying our mail to NATO. If that is what we want to do, my colleagues should come out and say so. I would prefer to see a merchant fleet with an American flag. If the time comes when we must ship cargo to our men overseas, we may not be able to depend upon our friends, who may change overnight.

Yes, Mr. President, every country with a fleet has a cargo preference law. If you want to buy oil from Saudi Arabia, can we send our ships there? No way. You put it on a Saudi Arabian vessel. If you want to buy oil from Kuwait, it is on Kuwaiti ships. We may use our ships if none of their ships are available. Do we send our ships to pick up the Toyotas and Hondas and Acuras? The Japanese send their ships over. That is their law.

Our law says that if it is for foreign aid, 50 percent must go on U.S. ships. If it is for military cargo, what are we suggesting? That we send military cargo on foreign vessels? To the lowest bidder? Oh, there are many low bidders around here that would be very happy to ship American military cargo.

Mr. President, this is not based upon national pride alone. This is based upon national interest. I would hope that my colleagues will join me in opposing this amendment.

My final word. I began my remarks by looking back into history and recalling those days when we were No. 1, when we carried just about all of the traffic in the world. To be exact, it was about 80 percent of all of the ocean-going traffic. Today, our ships carry less than 5 percent of our foreign cargo. Over 95 percent of our foreign cargo is carried by foreign vessels, in and out of America. We sell goods, and they are shipped on foreign vessels. We buy goods, and they are shipped on foreign vessels. Some day we will find ourselves being hostages by these countries with large shipping companies.

I hope I am not around when that happens.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana, [Mr. BREAUX].

Mr. BREAUX. Mr. President, I rise in opposition to the amendment of the Senator from Iowa and will support the chairman's motion to table at the appropriate time.

Let me start by commending the chairman, the Senator from Hawaii, for his very eloquent, well-reasoned and thoughtful remarks on why this amendment is not a good idea.

Let me suggest to our colleagues on the other side that perhaps we ought to enter into an informal arrangement whereby we only do cargo preference amendments about once a month instead of rehashing the same amendment about every 15 days. That will probably save everybody a great deal of time, because the arguments are indeed the same.

Let me start off by saying this is a bad amendment. It is not needed, not necessary, and is not good public policy. We should not confuse the facts. Cargo preference does not apply to commercial cargo—nothing that we ship in commercial trade, whether it be clothes, shoes, bananas, rice, corn, or soybeans. That is a commercial transaction. It is not subject to the cargo preference laws. It can go on any ship. It can go on the cheapest ship or the most expensive ship.

There is no Federal requirement that commercial cargo, no matter what it is, or where it is going, has to be subject to cargo preference laws. It can go any way that it wants to go on any ship that the shipper or the receiver agrees that it should be shipped on.

Cargo preference laws only apply to U.S. military cargo and anything that is shipped under a Government subsidy program. That is it; nothing else.

The Senator's amendment is interesting because it addresses military cargo. We are talking here about important things of the military—in terms of people being shipped, in terms of guns and ammunition, tanks, and helicopters being shipped. He says by his amendment that if the cost that we pay a commercial captain for that shipment in a U.S. vessel is more than the cost that we pay a Navy captain, then we cannot ship it in a U.S. vessel.

His amendment would do away with the cargo preference program for military cargo. We would be shipping our men and women, our tanks, our helicopters in ships from Liberia, Panama, or China, or any other country that feels they want the cheapest crew they can possibly get, a crew that has no loyalty to the United States, a crew that will not want to go in harm's way in wartime to bring American men and women to a battle zone. But, he says if we pay our captains, American captains, more than we pay our Navy captains who are in the military, we cannot use an American ship.

Mr. President, that is not a good argument. If that argument were logical, we could extend it to the point that would say if the Defense Department pays a Navy or Air Force pilot less than a private airline pays their pilot, then we should never have a defense contract with American Airlines because they pay their pilots more than we pay pilots in the Air Force. Therefore, the airline could not participate in any Government programs, and the Navy or the Air Force or the military could never transport anything on U.S. commercial airlines.

Or if you extend the logic of the amendment of the Senator from Iowa, you could make the argument that if American farmers received more in salaries or income than a person in a comparable position at the Department of Agriculture, American farmers should not participate in a subsidy program or they should never get any benefits under a farm subsidy program because

they are making more money than the comparable Government employed person in the Department of Agriculture.

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

Mr. BREAUX. I am happy to yield.

Mr. SARBANES. Is it not the case that the use of the American-flag ships to carry defense cargo is, in effect, saving the military money, if you assume that you do not want to ship defense cargo in foreign flags and be dependent on foreign flags to carry the military cargo?

I think there is a very strong argument that says you do not want to be dependent, as the Senator from Hawaii outlined with respect to military shipments.

If that is the case, the use of the American-flag ship, the current arrangement, actually saves the Defense Department money because the alternative would be for the Defense Department to establish its own fleet to carry this cargo. That is not a fleet that they would be utilizing all the time because the cargo shipments have peaks to them when the situation demands it.

So if you took that approach, you would have to spend large amounts of money to develop the fleet, the ships. You would have to have a lot of people on standby positions in the military in order to sail the ships on those occasions when it was necessary to do so.

This arrangement which, in effect, has the ships in the private sector privately manned and then callable by the military when they need them, actually ends up economizing on the scenario that I have just outlined to the Senator.

Would that not be the case?

Mr. BREAUX. The Senator from Maryland is making a very good point, and he is absolutely correct.

I will give an example of what is happening. The Navy has just entered into contracts at the cost of $1 billion to convert five ships so they can put them into their sealift program. For $1 billion under a U.S. merchant marine program, we could give them 50 or 60 ships that would be operating every day and would be available for the next 10 years.

It is much more cost effective to maintain an active merchant marine with U.S. merchant sailors who are working every day on that ship so they would be ready to serve the military in times of national emergency. That is real cost savings in the long run and one of the reasons the Senator is absolutely correct in opposing the amendment of the Senator from Iowa.

Mr. SARBANES. Mr. President, will the Senator yield further for a moment?

Mr. BREAUX. I am happy to yield.

Mr. SARBANES. One of the colleagues on the other side made the argument that we have this cargo preference requirement, the number of American-flag ships has diminished, and he somehow tries to make a causal connection.

I would argue, as the Senator from Hawaii said, that if we had not had cargo preference we would be without any American-flag ships.

The fact is, is it not the case that other countries who sustain a significant merchant marine, almost without exception—not entirely, but almost without exception—couple it with very rigorous cargo preference requirements of their own?

One of the reasons our fleet has diminished is because we have not competed effectively against the subsidies and the cargo preference and the underwriters which other countries are providing to their merchant marine and, as a consequence, they have been able to compete with our people, in effect, on an unfair basis. That is the explanation for what has happened.

Now the cargo preference, to some extent, has protected us from that. But many of us think that the United States actually needs to have a fully developed program effectively competitive with other countries to sustain a merchant marine component as part of our national economy.

Mr. BREAUX. The Senator makes a very good point.

Many other countries' cargo preference laws that we have to compete with on a day-to-day basis are more expensive than the United States. Ours only affect military cargo and cargo of Government-subsidized programs. Other countries' cargo preference laws apply to everything shipped from that country. If you want to ship anything out of their country, it can only go on their vessels. Many countries say, if you want to call on our ports, you have to use our ships; otherwise, you cannot sail any of those products into our country.

Our cargo preference program is, in fact, very small in comparison to many of the countries that we compete with.

Let me make a final point, and I will close on this, because I do not think we need to extend the debate any longer: The law already says that the President may authorize a military cargo travel in vessels other than U.S. vessels if the U.S.-flag rates are excessive or otherwise unreasonable. That is the law today.

If the authors of this amendment say we should not be using excessive rates for our U.S.-flag vessels then they are in agreement with what the law requires now. If the President can make a finding that these rates are excessive and unreasonable, then we are not going to use U.S. ships. I think when we look at the total package we find that it is a good thing to have American military cargo and our American sailors being moved to destinations on American ships. I do not think that is too much to ask for a nation that is concerned about having a strong military. A cargo preference program contributes to that strong military.

The amendment should be tabled or should be defeated.

Mr. SARBANES. Mr. President, will the Senator yield on that point?

Mr. BREAUX. I yield.

Mr. SARBANES. Mr. President, I underscore this point that the distinguished Senator from Louisiana made. Really the ultimate issue is whether you are going to have any merchant marine capacity. The people who are arguing on the other side, in effect the logic of where they want to take us would be to eliminate that capacity and make us totally dependent on foreign ships.

I do not think that the United States ought to find itself in that posture. There are strong security reasons, first and foremost, why that ought not to be the case, and there are strong economic reasons why that ought not to be the case.

In fact, it is my own view that we ought to be taking measures to help rebuild the American merchant marine, particularly when we look at other countries who clearly have been doing exactly that with respect to their fleets. They perceive a national interest in being supportive of their merchant marine and have programs in order to do that.

I do not think the United States ought to be closed out of this activity. I think it would have very severe economic consequences, and it may well have, under certain circumstances, disastrous military and security consequences.

Mr. BREAUX. Mr. President, I think the Senator is very clear and totally accurate in what he has just shared with our colleagues.

In addition to all the reasons I think the amendment is a bad idea and bad public policy, the administration has clearly said that they are undertaking a review of the cargo preference laws and that their hands should not be tied at this time. That review will look at all of the cargo preference rules and laws, how it works, and how it can be improved.

The Secretary of Transportation, in a letter that the Senator from Hawaii put in the RECORD, makes the point that they are reviewing the cargo preference laws. Let us not decide that issue and preclude the Secretary from making the right decisions in the future.

Mr. President, I think that at the appropriate time, we should table the amendment of the Senator from Iowa.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa, Senator GRASSLEY.

Mr. GRASSLEY. Mr. President, the first thing that I hope the distinguished chairman of the subcommittee

will let me clarify right off the bat about my comparison of the figures of $44,000 to $8,000 is that the military billet information that I received and based my statements on was from the Department of Defense.

What I asked for was the total cost of billets by rank, and that is what I was sent. It also includes base pay; it includes housing; it includes FICA; and it includes retirement. A Navy captain's pay and benefits come out to $8,422 per month based upon DOD data.

If it is higher than that, that is fine. But that will be the cap that we subsidize U.S. seafarers, whatever it is.

Every Member of this body received from me, with my "Dear Colleague" letter last week, a copy of this page from the Department of Defense which says that a Navy captain does receive $8,422 a month, and that compares with this figure, $44,072.

There has been a great deal of discussion on the other side about cargo preference. Cargo preference is not the point here. The point is that U.S. seafarers should not be subsidized more than the men and women in the Navy, the Air Force, the Army, and the Marines.

Again, this whole amendment is based upon equity between our subsidy for these jobs here and what we pay comparable people in the full-time military.

I did not raise this point. In fact, I may not even be here today with a pay equity amendment if the committee report had not said that we should not reimburse executive pay for defense contractors at a higher level than we reimburse comparable work in public service. And they gave as an example what a Cabinet member might get.

I am here to say that "What is good for the goose, is good for the gander."

The issue is equity. The issue is not cargo preference. We do not do away with cargo preference. Anybody who says we are going to do away with cargo preference assumes that there will not be some renegotiation of labor contracts. We are not assuming no subsidy. We are only limiting the subsidy to what the taxpayers pay comparable positions in the full-time military.

There was sent out—and I presume that most every Member may have received this from the industry and from the labor people in the maritime industry—a 2-page rationale for rejecting my amendment. Since so many people are so busy that they may not have an opportunity to listen to all of this debate and may base their vote on some false arguments that are given by the industry and/or the union, I want to react to that.

Of course, the industry is understandably alarmed about this amendment. It is ironic that, after all these years of subsidies in the name of the Fourth Arm of National Defense, the moment someone suggests that they start living like it, they now seem more interested in arguing that they are different from the uniformed military and then, consequently, should be paid more per billet.

I think that this publication put out in opposition to my amendment is full of distortions, and I want to correct them.

The maritime industry says that this is unprecedented and hearings have not been held. Well, we have debated a lot of things on this floor upon which hearings were not held. We will be passing pretty soon—it was debated an hour already—a 19-page rewrite of the rights of Western cattlemen to graze public lands. We did away with mohair and honey programs for farmers without those hearings.

What is truly unprecedented about this debate is that, for the first time, Senators have learned that some masters of U.S.-flag ships cost $44,000 per month in wages, overtime, and benefits, and our own Navy captains only cost $8,422.

This paper also goes on to argue that my amendment is "antilabor, intruding into the collective bargaining process, and directing the Government to dictate what can and cannot be included in such agreements."

This does not intrude, nor dictate to companies and labor unions. It leaves the choice up to them. If they want to carry DOD cargoes, then they will have to do it with a subsidy cap—not without a subsidy—but a subsidy cap that is still equal to what we pay our full-time military men and women. Because this amendment caps what the Government is willing to pay for billet costs at the level of military billets. It does not do away with the subsidy.

They go on to say, "Its logic would have all private-sector wages equated with those of the U.S. military while distorting the true costs to begin with."

The logic of the amendment, as I have said three or four times, is identical to the committee's regarding CEO's, and the cost of those CEO's to defense contracts to the Government.

Up until now, it seems to me—and how ironic it is—that the maritime industry has been wanting to equate themselves as the Fourth Arm of National Defense. They wanted to be equated to the men and women in the uniformed armed services, but now they do not seem to be so keen on the equation with military people when we require pay equity.

They go on to say that my "Dear Colleague" "doesn't note that the average annual wage for an able bodied seaman is $33,000."

Of course, I did not note that because such a statement would be misleading.

First, note they use the word "wage," which means—as I have a separate category here for wage—that they have omitted the costs of overtime and benefits.

Second, note they do not mention that this average annual wage is for 4 to 6 months of work. So what has ever happened to the old saying, "A day's wage for a day's work?" They want 3 day's pay for 1 day's work, plus lucrative overtime, vacation, and other benefits—thanks, primarily, to Uncle Sam's open checkbook.

They can have all that if they want it. All I say is that we cannot subsidize that more than we pay comparable military billets.

They also do not tell us that the average billet cost for a U.S.-flag seafarer runs over $200,000 per year.

If the men and women in the uniformed military can work and live with a day's wage for a day's work, why cannot the seafarers? Why should they be able to make a year's wage for 4 months' work and then take time off? Our military people cannot do that. They have to be available all the time. They have to be working all the time.

They go on to say, "It doesn't note that Navy manning for many equivalent jobs in each vessel is usually four or five times greater for the same vessel function than on a merchant ship."

I am happy to have this document admit that we can compare apples to apples and billet for billet. Some have said there is no comparison. Just yesterday, one of the Members of this body said it is comparing apples and oranges. This document, for the first time, admits you can compare a billet to a billet. We have DOD studies that compare billets.

Therefore, should a merchant marine master in charge of a crew of 20 cost $528,000 per year, while a Navy captain in charge of a crew of several thousand cost a small fraction of this amount?

Again, a day's wage for a day's work. When a Navy captain is on shore duty, she or he is still working for Uncle Sam. When a master is on shore, he is working for himself. But note they get 30 days paid vacation for every 30 days at sea.

The committee has recommended an active Navy force of 480,800. That is a cut of over 50,000 Navy men and women from last year. These 480,000 will be working for Uncle Sam regardless of whether or not they are physically located on a ship.

The fact that a Navy vessel could be handled with fewer crewmembers, even if true, is not relevant to this amendment or this debate.

Merchant marine seafarers should not be subsidized by taxpayers on a per-day or per-month basis one dime more than the pay of a uniformed military person.

Then in this document they take offense at what I say about the $15,700 war bonus for 2 months war zone duty. They make fun of that, but that figure comes from the Maritime Administration. The war bonus for seafarers is 100 percent base pay per month. Seafarers

also get $400 per day if their harbor is attacked and $600 per day if their vessel is attacked. Taxpayers foot the bill. Our uniform military people get a measly $150 per month for what is called hostile fire pay.

They go on to say that my documents state, that "some mariners refused gulf war service, when no such refusals took place and when all agree that their service was exemplary."

The answer to this is that the House of Representatives passed legislation because some seafarers would not serve during the Persian Gulf war. The excuse given for not serving was that they did not have rehiring rights, as do military reservists, which this legislation addressed—the legislation that passed the House of Representatives.

Regardless of their excuse, the fact is taxpayers provide lucrative subsidies to support seafarers so they will be available in time of national defense need. But these seafarers—unlike military reservists, full-time military people, and our National Guard—have the right to decline Uncle Sam's request.

If anyone has been misled, then, perhaps it is the House Merchant Marine Committee.

They go on to say that "Senator GRASSLEY's amendment is not about equal compensation: It is designed to torpedo the U.S.-flag merchant marine."

I do not know how many times I have to say, over the course of several years in debating this thing, that I want to have a strong merchant marine. I want my colleagues who support the present policies to look at those policies and see how there has been a deterioration of our merchant marine, under policies decades old. So, if you want to spend a lot of taxpayers' dollars in the way of a subsidy, spend those taxpayers' dollars in a way that is going to work.

By "going to work," I mean not the evolution of our numbers from 1,100 vessels in the middle 1950's down to 200 to 300 now. That is not a strengthening of our maritime industry. That is not the creation of jobs. That is a waste of taxpayers' money.

Using that amount of money or more, somebody in this body ought to devise a policy that will build up our maritime, not continue its deterioration. The only consideration I ask of anybody in the process of doing that is that any subsidy you think is necessary be up front and be appropriated annually so we know exactly what it is, not these hidden subsidies.

So they say I want to torpedo the U.S.-flag merchant marine. The fact is this amendment includes the discipline that might just save our U.S.-flag merchant marine.

We have to come to grips with the incredible wage and benefit costs of our merchant marine crew. Well over 10 years ago, Military Sealift Commander Kent Carroll warned that high crew costs were helping to destroy our U.S.-flag merchant marine. Increasing subsidies such as those President Clinton is being pressured to support will do more harm than good, unless it is directed to a whole revolutionary approach to the subsidy.

Last, this document, which came from the lobby of the maritime industry, says that it is merely another step in a long campaign to turn over to foreign shipping interests all of America's international shipping trades.

My colleagues on this very floor—colleagues on the other side of the aisle—say that our motivation is not to have a maritime industry.

That is wrong. I want a maritime industry that is as strong and powerful as it was in the 1950's. But with present policy, it is going to continue to deteriorate. Those who defend the status quo are standing idly by when we have no merchant ships. Why would they stand idly by and let that happen?

My only interest when we debate maritime subsidies is to strengthen our maritime and to point out the wrongs of the present policy. Again—and then I am going to yield the floor—this amendment is directly related to a sound policy that this committee has laid down in their committee report; that we should not be paying executives of defense contractors who do defense contract work for the Federal Government more than what comparable civil servants get.

I will read this for the benefit of everybody:

> The committee believes reform is needed in executive compensation. It emphatically states its position that the Department of Defense should not allow costs charged to the Government for any individual to exceed what the Government is itself prepared to pay its own senior executives, for example, Cabinet officials. Accordingly, the committee directs DOD to submit legislation to reform Federal acquisition regulations disallowing any higher compensation packages.

So we are to a point where my amendment extends this proposition, as stated in the report of the committee of the distinguished Senator from Hawaii, to the fact that when it comes to high salaries like these seafarers that the Federal subsidy should not be any more than what we pay our own military people of like billet.

I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, as we debate our Department of Defense appropriations, I think all of us share that the funding for the Department of Defense itself and its civilian contractors really must produce in three ways. Anything appropriated for the Department of Defense should be, No. 1, cost effective; No. 2, be reliable; and No. 3, meet the ethic of patriotism. I believe the American merchant marine would meet that test. I also believe that whatever we decide has to meet the strategic needs of the United States of America.

I am troubled in this conversation about this issue that the merchant marine is being singled out in very harsh terms, even punitive terms and, at times, the debate has not been factual.

The question before this Senate is who best transports supplies and other materiel related to backing our troops wherever they are and whatever is the situation, and what compensation should they have.

I believe that when it comes to transporting supplies and other materiel, that that should go under an American flag, staffed by American seamen who are not only cost-effective and reliable but have an ethic of patriotism.

My colleague from Iowa, with whom I agree on so many matters, said something in his remarks which troubled me, in which he said some American merchant marines were reluctant to go forth and sail the high seas during the Persian Gulf.

(Mrs. BOXER assumed the chair.)

Ms. MIKULSKI. Madam President, I would like to correct that. I quote from a Washington Post article written by Jack Anderson of February 7, 1991, who says not the American crew but a foreign merchant crew balked at the gulf.

> In a recent incident, one crew of a German ship refused to sail into the gulf and the shipping company had to send a U.S.-flagged ship to finish the job.
>
> . . . It was a foreign ship that balked about going into the gulf.

That ship, the *Eagle Nova*, reportedly owned by a German company, refused at the last minute to go into the gulf, and its supplies were diverted.

"When the crew refused to go, American President Lines"—a civilian, private sector company of the United States of America—"sent a replacement under U.S. flag."

There is another Washington Post article that documents that.

Later on that month, on February 19, 1991, there is an article from the Journal of Commerce, the traditional trade journal for maritime issues quoting Gen. Hansford Johnson, Chief of the U.S. Transportation Command. He said this:

> The civilian seafarers who man the Government cargo ships, the yard workers who repaired and refitted vessels, and the dockers who load the ammunition ships all have performed well.
>
> General Johnson singled out seagoing labor in particular, saying, "No American ship has been delayed for lack of crew. * * * I have heard of no one who decided not to go aboard ships bound for the war zone or who wanted to get off when times got tough. That's not true of the foreign ships," the military has hired.

That is a quote by Gen. Hansford Johnson, Chief of the U.S. Transportation Command.

So, Madam President, while we debate the financial aspects, I wanted to

affirm the ethic of patriotism of the American merchant marine and set the record straight, that no American merchant mariner balked at backing our troops and our President during the gulf war.

That is exactly why we need an American merchant marine, because they are reliable, because they will go to sea, because they will back our troops, whether it is in an officially declared war or whether it is in a peacekeeping operation. They are reliable, they are consistent and they are faithful.

How should they be compensated? They are civilians, they are not military. But as civilians, following an ethic of patriotism, they are willing to put themselves in harm's way. Therefore, as civilians, their compensation can be and should be higher.

I believe that this is absolutely crucial to our strategic needs. We debated earlier this week should American troops serve under a foreign commander? That was a spirited debate. Then the Congress worked its will. But if American people are reluctant to put their troops under a foreign commander, why would they want to put their materiel and supplies under a foreign-flag ship? They then would have command over the supplies and materiel necessary to back our troops.

What good are gallant men and women facing the eyes of an enemy if they do not have the bullets, the spare parts, and the other logistical support they need? Putting them under a foreign flag is the same as putting them under a foreign commander. That is why I affirm the compelling need for the American merchant marine.

But recall, Madam President, that these are civilians, and therefore to compensate them at the same rate as the American military, I believe, is not an accurate framework to use.

Much has been said that they work 4 to 6 months and get this pay. Madam President, the guys I know from the American merchant marine living in Baltimore would love to have a full-time job. It is that the work is so skimpy under an American flag these days where all we have is what goes under the Jones Act—we have to continually duke it out for cargo preference and now for this military cargo—that there is limited work. We need to sustain this infrastructure and we pay the price for sustaining that infrastructure. Maybe if we had more jobs—the way to deal with lowering the cost of the American merchant marine for individual ships at sea is to make sure that there is more work available, and the volume will help even out those costs on a daily basis.

Madam President, I believe we need an American merchant marine. I believe we need it for military and strategic purposes. I think we need to, in its compensation framework, acknowledge that they are civilian contractors who have been willing to place themselves in harm's way and have never balked or blinked in the eyes of an enemy. I hope, recognizing how well-intentioned Senator GRASSLEY's amendment is and the nature of being more cost effective, we would defeat the amendment.

I yield the floor.

Mr. INOUYE. Madam President, if I may, I would like to join my dear colleague from Maryland, the gentlelady, in her words. I think they were right on point. I just wish that all Americans could hear those words.

Madam President, if there are no further requests for time, I move to table the amendment.

Mr. DANFORTH. If the Senator will withhold.

Mr. INOUYE. I am sorry.

Mr. DANFORTH. Madam President, I commend the Senator from Iowa for once again calling the attention of the Senate and the country to the really excessive problem of cargo preference in this country.

All of us understand subsidies and the fact that the Federal Government in one way or another attempts to help various industries, but cargo preference is an example where we have really gone out of the way to provide excessive subsidies through providing essentially a captive audience for the shippers.

Senator GRASSLEY has pointed out the extraordinarily high pay rate that is being paid as a result of the cargo preference program. As I understand Senator GRASSLEY's argument, he states that for 6 or 7 months' work an officer aboard a private U.S.-flag vessel can earn $100,000 to $150,000. That is certainly a high wage to be subsidizing.

My own view is that, as a general principle, the concept of cargo preference deserves very careful review. This is an issue which has been raised repeatedly with respect to Public Law 480 in the transportation of American agricultural products abroad. It has now been raised by the Senator from Iowa in connection with the shipment of various goods for defense operations around the world. It is essentially the same problem. It is obviously a very lucrative subsidy for those who benefit from it. It is also a subsidy which has been totally overdone, and I commend Senator GRASSLEY for making this point.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I likewise join my colleague from Missouri in congratulating our colleague from Iowa for his courage and leadership in saying we want to eliminate an outrageous subsidy that is wasting millions of dollars. There is no question that this is a subsidy that has long outlived its usefulness. It is enormously expensive to taxpayers.

I congratulate my colleague from Iowa because he has courage in taking on this constituency. This is a special interest group. There is no doubt. This is an interest group that contributes a lot in campaigns. It is very active, with political action committees, and so on.

I congratulate my colleague from Iowa because he is pointing out that this subsidy is costing taxpayers millions and millions of dollars and that we really should not be subsidizing this small group and paying them at rates many times what we pay our military personnel, under the so-called guise of cargo preference.

So I congratulate him for his efforts, and I hope that my colleagues will agree with his amendment.

Mr. GRASSLEY. Madam President, I am not going to dispute what the Senator from Maryland said. She is submitting articles and everything. I am just going to say that that should not distract in any way from what I said about some Americans not heeding the call when they were needed.

The House of Representatives has passed, on March 16, 1993, H.R. 1109 entitled "Merchant Seamen Reemployment Rights Act," and the reason for this passage was because there were some seafarers who said they were not going to go because they did not have reemployment rights like people who were in the Reserves or the National Guard.

I yield the floor.

Mr. BURNS. Madam President, I rise to support the amendment to H.R. 3116, the Defense appropriations bill for fiscal year 1994, regarding civilian maritime salaries and cargo preference.

This amendment is long overdue. It equalizes the extra pay to civilians in the merchant marines and those that are given to individuals in the full-time military. Why do civilians get a higher rate of pay than those in active military service?

The Office of Management and Budget estimates that this Department of Defense cargo preference subsidy will cost America's taxpayers $592 million this year. This may seem like a bargain to some since in fiscal year 1991 this DOD subsidy cost $919 million. But, I do not think this is a bargain at all.

Cargo preference dictates that a particular percentage of a shipment of goods under certain Federal programs must be transported on U.S.-flagged vessels. Far too often this lack of competition leads to extremely high transportation costs, which in turn directly undercuts the amount of goods which can be sent.

The subsidy which is being considered today, is a Defense subsidy for cargo preference. While Montanans have concern over cargo preference and how it severely restricts grain exports, this Defense subsidy is another example of a waste of taxpayer money.

This amendment addresses this inequity in a fair manner. It simply reduces cargo preference costs.

Mrs. FEINSTEIN. Madam President, I speak today in strong opposition to Senator GRASSLEY's Defense pay equity amendment which would limit the Federal Government's ability to contract with U.S.-flag merchant marine.

Currently, the administration is working to develop an overall maritime revitalization program and is reviewing our Nation's cargo preference laws, and I look very forward to working with the administration in these endeavors.

The merchant marine, in peacetime, plays an important role in the economies of coastal States such as California, and has far-reaching impacts on States that produce the cargo carried by these fleets.

In times of war, the need for a healthy merchant marine cannot be understated. U.S.-flag merchant marine vessels have played an important role in every war in which this Nation has been engaged. Let me stress the point that a strong merchant marine fleet is critical to this Nation's national security.

Now is not the time to drastically alter the relationship between the U.S. Government and our merchant marine without reviewing all of the issues, asking all of the questions, and examining all of this Nation's needs. This amendment will place artificial values on the service of U.S.-flag vessels, without any discussion in the committees with jurisdiction over maritime policies. I disagree with that approach to this very important issue.

Our ultimate goal must be the revitalization of our maritime industry, a goal to which I am very committed. I look forward to working with my colleagues over the next year to understand what we must do to best achieve that goal. But, I am certain that this amendment is not the way. I urge my colleagues to oppose the Grassley amendment.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. There being no demands for further debate, I move to table.

Mr. GRASSLEY. I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], and the Senator from North Carolina [Mr. HELMS] are necessarily absent.

I further announce that, if present and voting, the Senator from New York [Mr. D'AMATO] would vote "yea."

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

The result was announced—yeas 67, nays 30, as follows:

[Rollcall Vote No. 324 Leg.]

YEAS—67

Akaka	Ford	Mitchell
Baucus	Glenn	Moseley-Braun
Biden	Gorton	Moynihan
Bingaman	Graham	Murkowski
Bond	Harkin	Murray
Boren	Hatfield	Nunn
Boxer	Heflin	Packwood
Bradley	Hollings	Pell
Breaux	Hutchison	Pryor
Bryan	Inouye	Reid
Bumpers	Johnston	Riegle
Byrd	Kennedy	Robb
Campbell	Kerrey	Rockefeller
Cochran	Kerry	Sarbanes
Cohen	Lautenberg	Sasser
Conrad	Leahy	Shelby
Daschle	Levin	Specter
DeConcini	Lieberman	Stevens
Dodd	Lott	Warner
Dorgan	Mack	Wellstone
Exon	Mathews	Wofford
Feingold	McCain	
Feinstein	Mikulski	

NAYS—30

Bennett	Faircloth	McConnell
Brown	Gramm	Metzenbaum
Burns	Grassley	Nickles
Chafee	Gregg	Pressler
Coats	Hatch	Roth
Coverdell	Jeffords	Simon
Craig	Kassebaum	Simpson
Danforth	Kempthorne	Smith
Domenici	Kohl	Thurmond
Durenberger	Lugar	Wallop

NOT VOTING—3

D'Amato	Dole	Helms

So the motion to table the amendment (No. 1076) was agreed to.

Mr. INOUYE. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1073

Mr. PELL. Madam President, yesterday, in connection with the ongoing discussions between the administration and the Congress regarding the potential authorization of the use of United States force in Bosnia, President Clinton sent a letter to the majority leader. In that letter, President Clinton said: "I would welcome and encourage congressional authorization of any military involvement in Bosnia." I am very pleased that President Clinton has been so forthcoming.

As I have said on many occasions, I am very leery about using United States ground troops to implement an agreement in Bosnia. And if we did, it should be no more than a fifth or a sixth of such a deployment. I believe that more would be too great a percentage for us to contribute to such an effort.

At this point, there is no peace to keep in Bosnia, and accordingly, at this time, we are not in the position of debating and voting on the issue of United States participation in an implementation force. However, if a settlement is reached and the administration does decide to move ahead with a mission in Bosnia, issues such as the purpose, goals, cost and size of the United States contribution need to be thoroughly debated in the United States Congress. I strongly believe that the Congress should have the opportunity to vote to approve or disapprove the sending of United States forces to Bosnia.

I had been concerned that earlier this month, at a Foreign Relations Committee hearing on Bosnia, administration witnesses were unwilling to commit to seeking congressional approval prior to sending United States forces to Bosnia. The letter that the President sent to the majority leader today goes a long way toward alleviating the discomfort that many of us felt about the administration's plans to involve the Congress in any decision to commit troops to Bosnia.

Last night, the Senate adopted an amendment to the Defense Department appropriations bill which expresses the sense of the Senate that funds should not be appropriated for the deployment of United States forces to participate in the implementation of a peace settlement in Bosnia unless previously authorized by the Congress.

As many others have said during the last few days, the issue of congressional and executive prerogatives with regard to the use of U.S. force abroad needs to be addressed in the broader context, and I am committed to participate in that effort in the coming days and weeks. However, I believe that President Clinton's letter and the amendment adopted on Bosnia help to provide a context and some precedents as we proceed with that larger debate.

I have the utmost confidence that President Clinton will follow through on his pledge to consult with the Congress and encourage congressional authorization of any military involvement in Bosnia. This is welcome news as we tackle the larger issues over the next days and months.

ADVANCED AIRSHIP TECHNOLOGY PROTOTYPE

Mr. LOTT. Madam President, several weeks ago I spoke with Vice Adm. Bill Owens, the senior Navy staff official responsible for matching Navy resources with Navy requirements. During that conversation I discussed with Vice Adm. Owens the continuing threat posed by stealthy cruise missiles to our Navy fleet. In that conversation, Vice Adm. Owens outlined current Navy efforts to address this missile threat and stressed the need for both improved sensors and platforms capable of deploying advanced sensors which will meet this growing missile threat.

Vice Adm. Owens expressed support for a continuing effort within the Navy to develop a platform capable of deploying large aperture radar systems

which are currently under development. The admiral said the large airship was among the options for the future which could meet this requirement. The Navy needs both advanced sensors and capable platforms to deploy those advanced sensors.

Mr. COCHRAN. Madam President, over the last 6 years, the Department of Defense has spent $129.3 million to develop an airship platform capable of deploying a large aperture radar of sufficient size to protect our Navy ships from stealthy cruise missiles. That is a lot of money to invest, only to walk away from this effort without completing the development—especially given that the cruise missile threat to our fleet continues to grow.

I also note that this bill does not contain funding necessary to continue this important program. If funding is not provided, I understand that continued development of this platform will not continue. In addition, if this development effort is discontinued this year, large aperture radars—currently under development—will not have any known platform developed to support the radar deployment.

Mr. STEVENS. Madam President, I am aware of Senator COCHRAN and Senator LOTT's concern about continued development of this airship platform, known as the YEZ-2A advanced technology airship vehicle, and I agree that every effort should be made to continue development. The threats against which this platform will operate are identified as the highest priorities for the Navy. It is this very military requirement which has compelled our committee to continue funding for various detection and targeting systems. I join Senator COCHRAN and Senator LOTT in their desire to see this development continue and I look forward to working with the chairman to work this issue out in the joint conference.

Mr. INOUYE. I look forward to working with Senator STEVENS and Senator COCHRAN in conference to work this funding issue out. I understand that the administration did not specifically request funding for continuing this effort, but I also acknowledge that the airship prospective mission is one alternative that may meet the Navy's missile defense requirement. For this reason, I will make every effort to work with Senator STEVENS, Senator COCHRAN, and Senator LOTT to address this problem in the joint conference.

Mr. LOTT. Madam President, I wish to thank the chairman of the committee as well as the ranking member, Senator STEVENS, for their leadership on this bill—and on this issue in particular. I also wish to thank Senator COCHRAN for his invaluable assistance on this issue important to the safety of our Navy fleet.

DEPARTMENT OF DEFENSE INVESTIGATIVE ORGANIZATIONS

Mr. NUNN. I would like to discuss a provision in the report language with my good friend, Senator INOUYE, the distinguished chairman of the Defense Appropriations Subcommittee.

I am concerned about the suggestion on page 43 of the report that the Department of Defense should consolidate the criminal investigative functions of the military services within the Department of Defense Office of the Inspector General. This is an issue with which the Committee on Armed Services is quite familiar.

The Committee on Armed Services has expressed serious concern over problems that have arisen with respect to the conduct and review of investigations within the Department of Defense. Deficiencies in the conduct and review of major investigations, such as those involving the Tailhook symposium and the *Iowa* explosion reflect these problems.

Last year, during consideration of the National Defense Authorization Act for Fiscal Year 1993, the House approved legislation that would have consolidated the criminal investigative organizations of the military departments. The Senate, however, took a different approach, and approved a provision that would have required the Secretary of Defense to establish a statutory Commission on the Management and Review of Department of Defense Investigations.

The conferees on the National Defense Authorization Act agreed that Congress should not mandate consolidation of the criminal investigative organizations, particularly in the absence of a comprehensive review of the full range of issues involving the conduct and review of DOD investigations. The conferees agreed that the Secretary of Defense should establish an advisory board to conduct such a review. The board would be comprised of present and past DOD officials, as well as present and past officials with relevant experience in other Government agencies. The conferees set forth a comprehensive list of 26 issues that needed to be addressed, including the issue of consolidation of criminal investigative responsibilities. I ask unanimous consent that the relevant provisions of the conference report (H. Rept. No. 102-966) be included in the RECORD at the conclusion of this colloquy.

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

(See exhibit 1.)

Mr. NUNN. The committee has obtained a commitment from the general counsel of the Department of Defense that the Department will establish such an advisory board with a view toward conducting a major review of these issues. It is my understanding that a charter has been drafted and that appointments will be announced in the near future.

In my judgment, we should give the Department of Defense the opportunity to undertake a comprehensive review of all the issues related to the conduct and review of investigations prior to mandating any major changes, such as a consolidation of investigative functions.

I would be interested in the views of the chairman of the Defense Appropriations Subcommittee on this matter.

Mr. INOUYE. Madam President, I know that the Armed Services Committee shares the concerns of the Appropriations Committee over the effectiveness and efficiency of current organizational relationships among DOD investigative organizations. On the Appropriations Committee, we have been trying for several years to get the Department to undertake a serious examination of these problems, and we have been quite disappointed at their inattention.

I understand the position of the chairman of the Armed Services Committee, and his desire to provide the Department with the opportunity to receive the views of the advisory board before taking final action. Accordingly, I am willing to wait for the findings and recommendations, provided that the Department reaches the following milestones. First, the findings and recommendations of the advisory board must be made available to the Congress prior to June 30, 1994. Second, the Department must substantially complete action on the recommendations of the advisory board within fiscal year 1994. And third, that the recommendations must specifically address, but not be limited to, consolidation of procurement fraud investigation activities. It is my understanding that the Department is capable of meeting these conditions, and I expect the Department to provide full and complete cooperation on this matter in light of its past inactivity.

Mr. NUNN. I agree with my good friend that the Department should take prompt action to ensure that the advisory board is appointed, that it completes its work in a timely fashion, and that the Department promptly implements the recommendations of the advisory board that are adopted by the Department. I look forward to working with him in our common effort to improve the quality of Department of Defense investigations.

EXHIBIT 1

EXCERPT FROM THE CONFERENCE REPORT ON THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993 (H. REPT. 102-933)

CONDUCT AND REVIEW OF INVESTIGATIONS IN THE DEPARTMENT OF DEFENSE

The House bill contained a provision (sec. 902) that would require the Secretary of Defense to consolidate in the Defense Criminal Investigative Service the functions of the Army's Criminal Investigation Command, the Navy Investigative Service Command, and the Air Force Office of Special Investigations. The House bill also contained a provision (sec. 903) that would repeal the statutes (10 U.S.C. 3020 and 8020) that require that the positions of deputies and assistants of the Inspectors General of the Army and Air Force be filled by military officers.

The Senate amendment contained a provision (sec. 911) that would require the Secretary of Defense to establish a Commission on the Management and Review of Department of Defense Investigations.

The House recedes with respect to its provisions and the Senate recedes with respect to its amendment.

The conferees agree that there is a serious problem in the conduct and review of investigations in the Department of Defense. The most recent example is the Navy's flawed inquiries into the incidents related to the 1991 Tailhook Symposium and the ensuing investigations. According to a report issued by the DOD Inspector General on September 21, 1992: "The principals in the Navy investigations erred when they allowed their concern for the Navy as an institution to obscure the need to determine accountability for the misconduct and the failure of leadership that had occurred. In our view, the deficiencies in the investigations were the result of an attempt to limit the exposure of the Navy and senior Navy officials to criticism regarding Tailhook 91."

This is not a novel problem, and it is not confined to investigations into issues involving sexual assault and harassment. Two years ago, the Senate Armed Services Committee took note of the committee's hearings and inquires into a number of DOD investigations, including the Navy's investigation of the USS *Iowa* explosion (S. Rept. 101-384). The committee expressed serious concern about the conduct of investigations, the review process, and standards and procedures relating to assessment of accountability. The House Armed Services Committee has expressed similar concerns with respect to investigations by each of the military departments into matters such as acquisition management and friendly fire incidents, as well as the *Iowa* and Tailhook matters.

The conferees note that as a general matter, the Department's investigative reports reflect the work of dedicated, skilled professionals. There have been significant matters, however, in which the conduct, management, and review of investigations have been deficient. Too often, these have pertained to allegations involving leadership and management failures.

The process of conducting and reviewing investigations within the Department of Defense involves unique challenges. The activities under investigation may be classified. The investigation may involve ongoing or recently completed operations involving highly sensitive national security concerns. The matters under investigation may pertain to the responsibility and accountability of the chain of command. Under the Uniform Code of Military Justice, offenses such as dereliction of duty, conduct unbecoming an officer, and conduct to the prejudice of good order and discipline can result in criminalizing actions, and failures to act, which in civilian society are treated as noncriminal personnel matters. Military officers in the chain of command, as well as the Service Secretaries, the Secretary of Defense, and the President, have unique powers under the Uniform Code of Military Justice to convene and review courtsmartial. Because of these judicial powers, they must be particularly sensitive in the management and oversight of the Department of Defense, including its investigative functions, to avoid actions that could undermine the court-martial process through the taint of unlawful command influence.

The conferees note that both the House and Senate Armed Service Committees intent to give this matter detailed oversight consideration in the coming year, with a view toward determining the scope of legislation required to address the conduct and review of investigations within DOD.

The conferees also agree that the Secretary of Defense should conduct a prompt and vigorous review of the conduct and review of DOD investigations.

The conferees agree that the Secretary of Defense would benefit from receiving a broad range of advice on this matter, and recommend that the Secretary convene an advisory board comprised of present and past DOD officials who have had extensive experience in the conduct and review of investigations, as well as present and past officials with similar experience in other government agencies.

The Secretary should request such an advisory board to assess current sate of affairs within the Department, and to provide him with advice and recommendations, with respect to the following matters: (1) the training and qualifications of investigative personnel; (2) the division of responsibilities among organizations with investigative, audit, and inspection functions within the Department of Defense; (3) the coordination of activities among such organizations; (4) the potential for savings, and for improvements in efficiency and effectiveness, through consolidation of functions or organizations; (5) procedures to ensure that such organizations are capable of, and responsive to, the needs of the unified commands, the defense agencies, and other joint organizations; (6) procedures to ensure prompt and thorough investigation of allegations concerning classified matters, operational matters, and the performance of persons in the chain of command; (7) procedures to ensure that investigative organizations are not subject to improper command influence while also ensuring that such organizations are responsive to the investigative and inspection needs of the chain of command; (8) procedures to ensure that there is timely and thorough coordination between organizations conducting investigations and officials within the chain of command who will be responsible for acting on the results of such investigations; (9) guidance as to the circumstances under which an investigative organization should withhold information about an investigation from the immediate chain of command, and present the information only to superior authorities; (10) procedures for ensuring a timely determination as to whether the investigation should be undertaken by a court of inquiry or other formal administrative board procedure; (11) procedures to ensure that the rights of individuals under the Uniform Code of Military Justice, administrative procedures, and other applicable laws and regulations are protected during the course of an investigation and subsequent review procedures; (12) guidance to ensure that military and civilian officials in the chain of command receive timely instruction and advice on the procedures for undertaking appropriate management actions during the course of an investigation without interfering with the investigation or engaging in unlawful command influence; and (13) procedures to ensure that investigative materials are organized and presented in a manner that facilitates timely action by reviewing authorities.

Among other issues that such an advisory board could address are: (1) the appropriate chain of command for the Service investigative organizations; (2) whether the head of such organizations should be a military officer or civilian official; (3) if a military officer is so assigned, the rank of such officer; (4) the best command structure for these organizations; (5) whether fraud investigation responsibilities should be transferred to the Defense Criminal Investigative Service; (6) whether criminal investigation responsibilities should be consolidated into a DOD-wide criminal investigation bureau; (7) whether criminal investigations, procurement fraud, counterintelligence, technical services, and protective services should all be performed by the Service investigative organizations or should some or all of these missions be reassigned within the Services or consolidated at the DOD-level; (8) whether a DOD-level centralized technical services organization should be created; (9) whether allegations of homosexuality that do not involve homosexual acts should be investigated by criminal investigative organizations; (10) should special agents have a separate career path or should they be soldiers, sailors, or airmen first and special agents second; (11) should special agents be civilians, officers, or enlisted; (12) the appropriate number of special agents that are necessary to conduct general criminal investigations; and (13) the basic level of administrative support needed for the investigative function.

TRANSITION ASSISTANCE PROGRAMS

Mr. SPECTER. I would like to bring to the attention of my colleague from Hawaii, the distinguished chairman of the Appropriations Subcommittee on Defense, an issue relating to the expenditure of funds for transition assistance programs. As we continue to work to help military personnel who have lost their jobs find civilian employment there is a critical need for informational services. In the fiscal year 1993, Labor, Health and Human Service appropriations bill, the U.S. Congress appropriated nearly $1.2 million to the Assistant Secretary of Labor for Veterans Employment and Training for the Transition Assistance Program [TAP]. Congress intended these funds to be used to distribute the Militran Guide subscriptions to 196 TAP locations. I understand that these funds have not been released for their intended purpose.

The Militran Guide cross indexes military occupational skill codes with the respective standard occupational classification codes and helps military personnel better understand how their military skills translate to those in the civilian workplace. I am advised that the Department of Labor tested this program at 80 TAP sites where it was found to be very effective in placing veterans in jobs that correspond with their skills.

Since the services rely upon the TAP Program to help with the transition of military personnel who are being separated as a result of reductions in force and base closings, I believe the Department of Defense ought to work closely with the Department of Labor to make sure services such as the Militran Guide are implemented. Accordingly, I ask my colleague from Hawaii if he would be willing to consider including language in the conference report to

urge the Department of Defense to work with the Assistant Secretary of Labor for Veterans Employment and Training to release funds for the Militran Guide.

Mr. INOUYE. I congratulate the senior Senator from Pennsylvania for his work on the transition assistance programs and assure him that we will address this issue when we take this bill to conference.

Mr. STEVENS. I, too, would like to commend the senior Senator from Pennsylvania for his work on defense reemployment programs and look forward to working with him on this issue in conference.

Mr. WARNER. Madam President, is an amendment in order at this time?

The PRESIDING OFFICER. Yes.

AMENDMENT NO. 1078

(Purpose: To provide funds for the design and demonstration of a technology for the processing of offshore flared gas into low-cost methanol)

Mr. WARNER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. KERRY, proposes an amendment numbered 1078.

Mr. WARNER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 45, line 15, before the period, insert ": *Provided further*, That of the funds appropriated under this heading, $4,600,000 shall be made available only for the design and demonstration of the Yankee Methanol Plantship".

Mr. INOUYE. Madam President, if I may suggest, if we could recognize the Senator from Arkansas for 10 minutes, and thereafter the Senator from New Mexico has a measure or amendment to discuss, and thereafter we bring up a Lautenberg amendment.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, I presume that the Senator from Virginia had the floor and yielded for this parliamentary clarification.

The PRESIDING OFFICER. The Senator from Virginia did have the floor momentarily. Would the Senator from Hawaii be willing to allow the Senator to continue first?

Mr. INOUYE. Yes.

Mr. WARNER. Following that, I will yield the floor for further comments of the Senator, and I will proceed with the amendment which should take no more than 5 minutes.

Mr. INOUYE. After the Senator from Virginia concludes, next is the Senator from Arkansas and the Senator from New Mexico and the Senator from New Jersey.

Mr. WARNER. Madam President, I rise today to introduce, along with my good friend and colleague, the Senator from Massachusetts [Mr. KERRY], an amendment to the fiscal year 1994 Defense appropriations bill, which would provide an appropriation of $4.6 million for the completion of the design of the Yankee Methanol Plantship, known as MPS. The appropriation of this relatively small amount of taxpayer money will permit the construction, utilizing private financing and Maritime Administration loan guarantees, and the demonstration of an exciting technology, which if successful could provide the Department of Defense, and indeed the Nation, with a ready supply of low-cost, clean-burning methanol.

Madam President, Yankee Energy Corporation, headquartered in Boston, MA, has been pursuing for more than 20 years a method for capturing and utilizing the large quantities of gas which are produced in association with oil production. When oil is produced in remote offshore areas, there is no present market for the associated gas, and so that gas is often flared, resulting in waste of resources and causing environmental degradation. In more and more areas of the world, environmental concerns are resulting in prohibition of flaring gas, which can result in petroleum wells with large quantities of gas not being produced.

The Yankee Methanol Plantship [MPS] is a program consisting of a 3,000 standard tons per day [STPD] methanol production plant integrally mounted in a specifically built barge, which can be towed to offshore sites where there is no existing market for the gas and, hence, marginal value. Under this program, low-cost methanol can be produced from gas which is presently being wasted into the atmosphere.

Madam President, could we have order? I am having some difficulty hearing.

The PRESIDING OFFICER. The Senate will come to order.

Mr. WARNER. Madam President, the concept of MPS has been previously studied in several Federal studies, all of which have confirmed the project feasibility. At present, Yankee Energy has obtained letters of interest from three gas suppliers to supply gas to the MPS, letters of intent from two product users indicating a willingness to purchase and market 100 percent of MPS production, and a letter of intent from a qualified shipbuilder, Newport News Shipbuilding, indicating they are prepared to negotiate a contract for complete detail design and construction of the MPS, with a guaranteed fixed price quotation and production performance. However, before contract negotiations can be completed, additional detail design work necessary to ensure a definitive cost estimate must be completed. That additional work can be completed in approximately 3 months at a cost of $4.6 million.

The possible military utility of MPS has been identified and validated by the Department of the Army. In a letter dated September 17, 1992, the Army's Director of Advanced Concepts and Technology Assessment stated:

The Army may have application for methanol fuels for administrative dual-use vehicles or fuel cell power systems that may be procured in the future. The proposed ship's ability to shift to JP-8, the Army's single fuel forward, would provide the Army with a reconfigurable, reconstitutionable asset for many possible contingencies. This capability could be of great benefit to the U.S. Army.

Madam President, it is not often that a U.S. Senator has an opportunity to recommend to the Senate as a whole that it appropriate the relatively small amount of $4.6 million for a program that offers as many potential benefits as does the MPS. If this amendment is adopted, and if the MPS technology is successfully demonstrated, as every study has shown and as I fully expect, we—that is the United States of America—have a unique opportunity to accomplish four separate worthy goals in one action, namely, conversion and maintenance of the defense shipbuilding industrial base, wise utilization of natural resources that are presently being wasted, significant contribution to efforts to clean up the environment, and meeting military requirements.

Madam President, I ask unanimous consent to have printed in the RECORD a document entitled "Project Overview."

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

PROJECT OVERVIEW

BACKGROUND

Although methanol is widely recognized as a premium fuel, it has traditionally been too expensive to be viable for widespread use in transportation and power generation. The Methanol Plantship is a low-cost methanol production system developed by Yankee Energy Corporation. This new technology was designed to develop the methanol fuel market.

Typically, large quantities of oil are produced in association with oil production. When an oil well is located offshore a remote area, there is no market for the associated gas, and so it is flared—wasting the resource and causing severe environmental degradation. In areas where gas flaring is prohibited, a petroleum well with large amounts of gas cannot be produced.

In 1972 Yankee began searching for a method of utilizing remote, offshore gas. Yankee commissioned a study to compare the feasibility of converting offshore gas into methanol and liquified natural gas (LNG). Methanol was chosen over LNG because it is a stable liquid at standard atmospheric pressure (as opposed to LNG). This has several benefits: It is safer and less expensive to transport. It is more flexible for transportation and power generation. And, it requires a much smaller capital investment than LNG.

PLANTSHIP CONCEPT

The Methanol Plantship is a 3000 standard tons per day (STPD) methanol production

plant integrally mounted on purpose-built barge.

The traditional market for methanol is mature. The only way to enter this market using new construction is to offer product at a lower price or to have a captive market. The plantship concept unites the major components of methanol production at their lowest costs, thus enabling the production of low cost methanol.

The major cost components of methanol production are capital investment in plant and feedstock cost. Capital investment in plant increases as the construction site becomes further removed from industrialized areas. Feedstock (natural gas) price and demand increase as it is delivered closer to industrialized areas. In remote areas feedstock gas is inexpensive and capital investment costs for plant are exorbitant. The Methanol Plantship, to be built in a shipyard where equipment, labor force and quality control are already in place has an economic advantage over local plant construction. The Methanol Plantship will be towed to sites where the feedstock supply has no existing market, and a marginal value.

PROJECT FEASIBILITY DETERMINATION

The two primary cost components of methanol are (1) the capital costs of the methanol production plant, and (2) the cost of methane gas feedstock to the production plant. The Methanol Plantship is designed to be constructed in a shipyard, where significant cost reductions and quality controls are achievable. The target feedstock supplies, i.e., flare or shut-in gas, are marginally priced.

Yankee was commissioned by the U.S. Department of Transportation to advance the Methanol Plantship concept to construction. The first phase of this commission (1983–1984) was a macro study to confirm project feasibility. This study determined that:

1. Enough flare and shut-gas exists worldwide to support 280 Methanol Plantships:

2. The market potential for low-cost methanol is great enough to absorb the output of such a program.

3. The Methanol Plantship design is highly efficient, yielding 1,000,000 gallons per day at a lower cost than land based plants.

4. The best design for the Plantship is a 3,000 STPD methanol plant mounted on a stable, purpose-built barge measuring 200 by 800 feet.

A model of the Methanol Plantship was tested in Escondido, California to determine motion sensitivity and durability. In the worst 100-year storm conditions, the Methanol Plantship demonstrated less than 1 degree roll. The U.S. Coast Guard has reviewed and approved the present Methanol Plantship design. Development of a full insurance program is being conducted by Thomas E. Sears through Price Forbes, Ltd., correspondent of Lloyds of London.

The second phase of this commission (1991–1993) was a micro-study which refined the original project feasibility determination in order to advance the project toward construction in the fourth quarter of 1993. This study:

1. Estimated the impact of new permitting, licensing, and related environmental requirements on the design and operation of the Methanol Plantship.

2. Developed detailed cost estimates for (1) detail design of the Methanol Plantship; and, (2) construction of the methanol plantship structure (to within +/− 15%) compatible with candidate methane collection sites (including assessments of the site gas, sea state, and ownership variables).

Much additional work has been accomplished to enhance the Methanol Plantship project. Yankee has developed significant expertise in the areas of project finance and methanol market potential/trends.

PROJECT FINANCE

Finance requirements were identified during a Yankee/U.S. Department of State micro study (1985–1986), site specific for Trinidad. This study determined:

1. The technical and financial requirements for bringing the specified gas to the Methanol Plantship are reasonable and achievable.

2. Finance requirements are the following. Contracts must be executed between Yankee Energy and: A reliable feedstock supplier; a credit worthy product-taker; and a shipbuilder capable of providing a lump sum, turn key, fixed price.

Toward the goal of arranging project financing, Yankee Energy has obtained:

1. Letters of interest from three suitable gas suppliers to supply gas to the Methanol Plantship.

2. Letters of intent from two product takes indicating their willingness to negotiate an agreement to purchase and market 100% of the plantship methanol production.

3. A letter of intent from a qualified shipbuilder indicating that they are prepared to negotiate a contract to complete detail design and construction of the Methanol Plantship; and guarantee both their fixed price quotation and the Methanol Plantship production performance. This contract will be guaranteed by the shipbuilder's wealthy parent company.

Contact negotiation is scheduled for completion immediately after the remaining detailed design work is completed. That work can be completed in approximately three months after funding is obtained.

In November of 1992 the U.S. Congress appropriated funds for the Maritime Administration (MarAd) Title XI Loan Guaranty Program for the purpose of providing loan guaranties for the construction of the Methanol Plantship. Through MarAd, the federal government will guarantee up to 87.5% of the actual cost of the Methanol Plantship. Yankee has submitted an application to MarAd, and has been informed that the application is in good standing.

In order to commence construction early in FY 1994, as planned, detail design of the Methanol Plantship must be completed in order to prepare a definitive (± 5%) cost estimate. Such a definitive cost estimate will be the point of departure for contract negotiation with a shipyard, and will enable execution of product take and gas supply arrangements which have been made contingent upon the determination of definitive project economics. It should be noted that the contracts identified here must be available for submission to MarAd in order to obtain a loan guaranty for the project. As the availability of the 1992 Title XI appropriation and the shipyard fixed price quotation are not indefinite, it is imperative that Yankee compile a definitive cost estimate before the end of the first quarter of FY 1994.

Yankee has completed a portion of the detailed design work required in order to produce a definitive cost estimate. The amount of work remaining to be completed will cost approximately $4.6 million. In an attempt to raise funding for this purpose, Yankee has submitted an application to the Department of Defense Advanced Research Projects Agency (ARPA) Technology Reinvestment Program. However, at this point, it does not appear that ARPA will complete the proposal evaluation process within the time constraints of the Methanol Plantship project. Yankee is presently seeking alternative funding solutions including a direct appropriation by the Congress of $4.6 million.

FUEL MARKET ASSESSMENT

Yankee Energy financed a study (1988–1989) with the U.S. Environmental Protection Agency which assessed the environmental benefits achievable through the use of methanol fuel in power plants at various percentages of substitution for the conventional fuel. Conversion costs required to make most power plants capable of burning methanol are minimal. Thus, the use of methanol in power generation is a viable pollution control technique. The sudden availability of a dedicated supply of low cost methanol would likely stimulate the widespread use of methanol fuel in power generation.

This study determined that methanol is an optimal fuel for power generation. When cofired with other fuels, it can reduce nitrous oxide (NO_x) emissions by up to sixty percent. When burned alone, methanol can achieve NO_x emissions of 8 PPM as required by MACT standards without expensive clean-up equipment which is required for use of other fuels. In fact, Clean Air Act requirements are forcing many of the nation's dirtiest power plants to switch to less polluting fuels. Because methanol is not yet available in the quantities required, most of these plants are making plans to switch to natural gas. This trend has raised some serious questions about the availability of gas and pipeline capacity to deliver fuel.

Yankee Energy pursued this study's recommendation that state legislative initiatives be taken to enable alternative fuels in power generation. In Massachusetts, this effort yielded Chapter 400 of the Acts of 1990 which allows the Department of Public Utilities to approve a must-run contract for up to 400 megawatts of power generation capacity that proposes to use an alternative fuel such as methanol. Yankee Energy has identified several candidate power stations which can benefit from the use of methanol; and is presently marketing methanol to their principals. While Yankee Energy continues to promote growth in the fuel methanol market, it should be noted that the first Methanol Plantship, for which funding is being sought herewith, is proceeding with product takers in the existing methanol commodity market.

The alternative fuel industry has long appreciated that the chemical properties of methanol make it the most viable alternative fuel for widespread use. As a non-volatile liquid, it can be transported and distributed to filling stations by conventional means. Refueling and operation requirements are similar to those for gasoline, thus, conversion to methanol requires minimal consumer education. A recent Energy Conservation Coalition survey found that consumers would consider paying up to ten percent more for an alternative fuel vehicle. Flexible and dedicated methanol fuel vehicles are so similar in design to conventional vehicles that present costs are only seven percent more than for equivalent gasoline vehicles.

In light of its significant impact on the success of the Methanol Plantship project, a thorough discussion of present and future methanol market conditions is presented in the following section.

METHANOL MARKET ANALYSIS

METHANOL: SUPPLY AND DEMAND

The following discussion of methanol market trends is provided to demonstrate the willingness of parties to enter into long-term

product take agreements and the potential for replication of the first-of-a-kind project described herein. It should be noted that the economic soundness of the present Methanol Plantship project is in no way dependent on the fruition of the forecasted trends discussed below. The project is economic under present market conditions by reason of the provisions of the product take agreement.

Traditionally, ethanol has been utilized in the production of dimethyl terephtalate (DMT), acetic acid, methyl methacrylate, and solvents. More recently, methanol has been used as feedstock for methyl tertiary butyl ether (MTBE) and tertiary amyl methyl ether (TAME), which are oxygenated fuel additives for gasoline blends, and, in its pure form, as fuel. While the traditional chemical markets for methanol are predicted to exhibit steady, moderate growth, these more recent applications, especially MTBE, promise dramatic growth throughout the foreseeable future.

The use of MTBE is the most viable option for compliance with Clean Air Act air quality regulations in non-attainment regions. These regions of the U.S. consume 50 percent of the domestic gasoline, approximately 150-million t/yr. It will require the output of eight world-scale methanol plants to produce enough MTBE to bring these non-attainment regions into compliance by the mid-1990's. (This calculation assumes that no MTBE is distributed to regions that are not designated as non-attainment areas. Practically, this is not probable; for reason of distribution economy, blended stocks of reformulated gasolines are going to be dispensed into attainment as well as non-attainment regions.) It takes 3 to 5 years to build a methanol plant, and there are only two world-scale methanol plants presently under construction. Thus, it is reasonable to anticipate a methanol supply shortage before the end of this decade. Figure 3 reflects the current demand for methanol and projects the demand for methanol during the next 4 years.

These demand projections are constrained by the relatively high cost of traditional, land-based methanol production. If the cost of methanol can be reduced by the development of new technologies such as the MPS, the demand for methanol may well increase faster than presently forecasted. The potential market for clean-burning, fuel-grade methanol is huge, and yet, difficult to predict. Many powerplants in non-attainment areas are facing the alternatives of shutting down or finding an economically acceptable technical solution to emissions control. Inexpensive methanol fuel would be an option preferable to purchasing expensive selective catalytic reduction (SCR) technology or scrubbers.

In addition, there is the perception among many experts that methanol will be the transportation fuel of preference in the 21st century. Flexible fuel vehicles currently are being manufactured by a number of automobile manufacturers. If the cost of methanol production can be reduced, these vehicles should provide the impetus for widespread vehicular use of methanol fuel, causing a dramatic increase in global methanol demand.

METHANOL: PRICE ANALYSIS/FORECAST

Because Yankee intends to sell its methanol product for a price that will fluctuate with the posted (land based) U.S. Gulf contract price, a discussion of historic and forecasted U.S. Gulf contract methanol prices is appropriate.

The U.S. Gulf contract price has not fallen below $.25 per gallon since 1973. Over the last 15 years, methanol selling prices have fluctuated from a high $.80 per gallon in 1979, to a low of $.25 per gallon at the end of 1986.

On average it required 110,000 Btu of gas to make one gallon of methanol. Older plants tend to require more gas per gallon of methanol, while new plants require less. (Note: The Methanol Plantship will require 87,000 Btu to make one gallon of methanol.) Thus, this average will decrease somewhat as market size increases. As we have said, the two major factors that impact methanol prices are capital requirement and feedstock cost. Cash methanol production cost for existing producers are projected to be $131 per MT in 1997. In the first year of Methanol Plantship production (1977) cash operating costs will be approximately $71 per MT. During the first fifteen years of operation the highest cash operating costs incurred by the Methanol Plantship will be $77 per MT. Over the same period, U.S. Gulf cash methanol production costs are projected to escalate to $217 per MT. This difference is largely attributable to the fact that Yankee Energy will have access to an independent gas market from which it can obtain a long term, fixed price gas contract.

The current contract price for methanol in the commodity market is $.44 delivered to the U.S. Gulf port. U.S. Gulf Coast selling prices are forecasted to fluctuate between 25% and 50% of cash costs, which are projected to escalate conservatively, at three percent per year, over the next fifteen years. This projection assumes conservative MTBE market growth.

Clearly, the Methanol Plantship project has tremendous potential to succeed in the present methanol market. That the culmination of two decades of project and design development should come to fruition just as the methanol market begins a period of sustained growth, is the kind of auspiciously good timing that is characteristic of the most lucrative investments.

Mr. WARNER. Madam President, I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, the managers of this bill have conferred with the authors of the amendment, and we are prepared to accept it.

Mr. WARNER. I thank the Senator.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Madam President, I do not have any dog in this issue.

Mr. WARNER. Madam President, I am not able to hear the Senator.

Mr. PRYOR. Madam President, the Senate is not in order and it is very difficult to hear. There are a lot of conversations.

The PRESIDING OFFICER. I once more ask that the Senate be in order. Senators are having a difficult time following debate.

The Senator from Ohio.

Mr. METZENBAUM. Thank you, Madam President.

I am just sitting here on the floor, and suddenly I hear we are about to spend $4.6 million for a project that sounds on its face as if it has a good deal of merit. But the fact is there are 100 Members of this body, and my guess is not more than 5 know what we are talking about. We talk about it as if it was quite insignificant; it is only $4.6 million. It has not gone through the authorizing committee, which is the appropriate way for it to go.

I just want to stand here, not to debate this at length, because I know nothing at all about this subject. It may be the most wonderful project in the world. But some in this Senate, and I do not particularly direct my comments to the author of this amendment, always are willing to provide dollars out of the Federal Treasury for experimental projects in their own area, special projects in which they have a concern, saying, well, it is only a little bit of money. I am frank to say a little bit of money here and a little bit of money there adds up to a lot of money.

I am not going to stand here and oppose my colleague and friend from Virginia on this issue, but I just could not sit here relaxedly and sit back and say, well, it is OK, it is only $4.6 million, and it is being offered by a prominent, well-respected, fine Member of the U.S. Senate.

I just think that is not the way for us to proceed. I will not object if the manager of the legislation wants to accept the amendment. I will not object to his doing so. But I do object to the procedure. I do not think this is the way the Senate ought to conduct its business. I believe that we fight too hard to find dollars for needed projects throughout the country. I do not know whether this is needed or unneeded, but I am sure this is not the way it ought to be handled.

Under those circumstances, I will leave it up to the manager, who I understand is prepared to accept the amendment, and I will not stand in his way of doing it.

The PRESIDING OFFICER. Is there further debate?

The Senator from Hawaii.

Mr. INOUYE. Madam President, for the record, if I may respond, this is a project under the Advanced Research Projects Agency of the Defense Department. ARPA has been in business for many, many years now, and they have many projects of this nature. This is part of the Defense Conversion Program which has been authorized for the past 2 years.

As I indicated, the managers are willing to accept this amendment, and we will very definitely discuss this with our House counterparts when we go into conference.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on agreeing to the amendment offered by the Senator from Virginia.

The amendment (No. 1078) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas is recognized.

Mr. PRYOR. Madam President, I thank the Chair, and I thank the distinguished managers of the bill for allowing me a period of 10 minutes to discuss an issue that I think is of great importance.

DECEPTIVE SENIOR ORGANIZATIONS

Mr. PRYOR. Madam President, earlier this year I introduced a bill on this floor to combat deceptive mailings that are often aimed at elderly Americans. Today, the same breed of predators are gearing up, once again, to profit by scaring seniors about a new target: the President's health care reform plan.

Their new appeals to seniors are full of falsehoods and scare tactics, all motivated by greed. They seek to prey upon seniors' uncertainty about health care reform. Like sharks, when these groups sense fear, they attack.

Madam President, let me explain with an example. I have heard from older Americans who have received letters from a group calling itself the Seniors Coalition. Seniors are calling our office—the Special Committee on Aging and our personnel office—to ask if this is a respectable organization, and one which has their interests at heart. What they do not know is that according to a National Journal article, its founders are now under investigation for fraud by the Federal Bureau of Investigation, two U.S. attorneys, New York's State attorney general, and the Postal Inspection Service.

Madam President, I must say that the Seniors Coalition has only one major interest: taking money from senior citizens. Its organizers operate at the expense of the very people for whom they claim concern.

The Seniors Coalition recently mailed to thousands of seniors a so-called special report on the President's health plan. It is full of distortions and falsehoods designed to agitate seniors. Before I address these lies—and that is what they are—I would like to read from the report what I think is its real main point: "So we can continue this campaign to reach other Seniors in your area and across the country, please help us financially."

Notice their own words: "Please help us." What the Seniors Coalition will not do is help senior citizens. Seniors should think twice before sending their retirement funds to these modern day snake-oil salesmen.

If seniors have an opinion or concern about health care reform, they can simply put a 29-cent stamp on their own letter and write me or their own Senator or Congressperson.

Before sending a check to the Seniors Coalition or any other group that claims to represent them, seniors need to stop and ask: Who is this group and what are they all about? I think if more people knew the answers to these questions, they would keep their checkbooks in the drawer.

Take the Seniors Coalition, for example. According to a recent article in the National Journal, its founders are being investigated as to whether they used the nonprofit, tax exempt group for personal gain.

Madam President, I will later ask unanimous consent that this article be printed in the RECORD.

One of the investigations target Seniors Coalition cofounder Richard Viguerie, a direct mail fundraising pioneer. He is being looked at by a U.S. attorney in New York City. The other investigation is by the U.S. attorney in eastern Virginia. This investigation targets Dan and Fay Alexander, who founded the Seniors Coalition with Viguerie's help. The FBI and the U.S. Postal Inspection Service are also involved in the Virginia investigation.

Seniors may want to ask themselves about the history of some of the groups that ask them for money. The arch rightwing founders of the Seniors Coalition, for example, took a strange path to becoming supposed advocates for large social programs. It began in 1980 when Mr. Viguerie joined forces with Dan Alexander, a school board president from Mobile, AL, who wanted to raise money through appeals for school prayer and conservative policies in education. Both Viguerie and Alexander created the Taxpayers Education Lobby, which churned out millions in donations through direct-mail appeals in the 1980's. In 1986, however, Federal prosecutors in Alabama indicted Alexander for extorting kickbacks in school construction projects. He was convicted and served over 4 years in prison, leaving his wife Fay in charge of the lobbying group.

In 1988, these operators did a test mailing on a new target: the Medicare Catastrophic Coverage Act. The response was overwhelming, and the Alexanders created a new group, the Seniors Coalition Against the Tax, later renamed the Seniors Coalition—which is in business in a big way today, mailing and preaching fear to seniors all across America—the group tapped into a whole new well of contributors: senior citizens, who were their newfound victims of deceit and fear.

While the coalition claims that last year it cut its ties to the Taxpayers Education Lobby, it continued to pay outrageous sums to Mr. and Mrs. Alexander: $23,000 a month. From 1989 to 1991, the Alexander's teen-age daughter was listed on the group's tax returns as its president. When Mr. Alexander was asked about this by the New York Times, he said he hired his daughter because "it was hard to find outsiders of any stature to serve on the board in view of his criminal record."

Madam President, would seniors send their hard-earned dollars to groups like these if they knew what frauds they are? Of course not.

But with a major health care plan on the table, and the all-too-human tendency to fear change, we can expect an explosion of appeals from just such con artists who make their living selling fear.

Another organization that was founded under questionable circumstances by Richard Viguerie, the United Seniors Association, Inc., recently jumped into the fray with its own fundraising letter attacking—you guessed it—health care reform.

There are a number of organizations that legitimately represent senior citizens that are real players in the politics of health care reform.

On the other hand, groups that pose as fronts for the likes of Richard Viguerie, such as Seniors Coalition or the United Seniors Association, are not even in the game. They are widely known in Washington as facades for direct mail fundraisers, so they are not taken seriously. They do not even attempt to be taken seriously. But what they do is extract precious dollars from senior citizens all across America.

Madam President, I have no problem with those who hold differing views on health care reform. I welcome the free exchange of ideas with those who want to debate these issues seriously. I do object, however, to those who exploit seniors' legitimate concerns about health care to feather their own nest.

Because these groups are not part of the process, they can peddle whatever misstatements they want in their efforts to raise funds. Let me respond to the latest irresponsible mailing peddled by the Seniors Coalition.

The letter makes four main points, all of them false. First, it claims that the Clinton plan will "ration health care to the elderly." Nothing could be further from the truth. The plan does not call for rationing care. Even if one were to accept this falsehood, their argument would not apply to seniors, since under the plan they have the choice of remaining in Medicare.

The second falsehood claims that the Clinton plan limits seniors choice of doctors. Again, since seniors can choose to remain in Medicare, there would be no change in their ability to choose their own doctor. In addition, under the Clinton plan itself, all Americans would be guaranteed their choice of doctors.

Third, they claim the Clinton plan compromises patient confidentiality. This is simply not true. Iron-clad privacy protection is a critical element of the President's plan, spelled out in

great detail. In fact, Congress has already begun hearings to examine ways in which this protection can be ensured.

Fourth, the mailing is blatant enough to claim that the President's plan will lead to new personal taxes and a national sales tax. Even a cursory reading of daily newspapers should alert seniors to the falsehood of those claims. As everyone knows, the President has specifically rejected a new broad-based tax. Apparently, the Seniors Coalition believes the bigger the falsehood, the more money they can get from those who can least afford it.

I hope all Americans, and especially older Americans, will be on guard against charlatans such as the Seniors Coalition and the United Seniors Association.

These groups are merely facades for greedy fundraising operations. We can all expect that new groups will spring up with the hope of profiting from fear and uncertainty as we revamp the Nation's health care system.

I strongly advise our citizens to keep their wallets closed unless they know exactly who is behind any request for funds that they receive.

I call upon my colleagues and other, legitimate advocacy groups, to educate their constituencies about groups like the Seniors Coalition. Only by working together can we root out this growing menace to the emotional and financial security of our senior citizens.

I am going to conclude by once again warning seniors all across America to beware of these organizations that are writing them, preaching fear and lies about the President's health care plan.

Further, I ask unanimous consent that a letter from the Seniors Coalition that I quoted from, and also a letter of October 4, a recent air gram asking money from seniors, a letter from United Seniors Association, Inc. seeking money, and also the very splendid article by Peter H. Stone, which appeared in the National Journal article of September 4, 1993, be printed in the RECORD.

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

UNITED SENIORS ASSOCIATION, INC.,
Fairfax, VA.

DEAR USA, INC. MEMBER: Please fill out your enclosed dues statements, complete the attached survey, and mail both to me today—along with your $5 renewal dues.

That's how you can once again do your part to insure we can continue to inform and activate seniors across the nation, and especially, speak out for you in Washington.

Some big senior groups—with their multi-million-dollar federal subsidies—were awfully quiet during debate over the Budget Bill, with huge tax hikes on Social Security benefits and cuts in Medicare.

They either spoke out very "softly" or waited until it was too late to have any real impact on the final vote.

But thanks to you, USA, Inc. fought "tooth-and-mail" for over 7 months to stop the unfair "Senior Citizen Tax" from being part of the Budget Bill. We spent millions of dollars and thousands of hours trying to kill this outrageous tax on seniors.

We even went into debt because these other senior groups sat-on-their-hands and did virtually nothing, so we had to carry a much bigger burden than we could really afford.

And it was not just some of the big senior groups who sat by and let Clinton and Congress try again to reduce their deficits unfairly on the backs of senior citizens.

Seniors themselves in every part of the nation should have risen up in their outrage—like they did when they forced the Congress to repeal the unfair Catastrophic Health Act.

But many seniors seemed to believe the misleading rhetoric coming out of Washington and the national press.

Thankfully, you and your fellow USA, Inc. Members did not!

Thanks in part to the unselfish support of USA, Inc. Members, we came within a hair's breadth of seeing the Budget Bill go down in defeat—a single vote would have made the difference.

And now we have a 2nd chance to kill the senior citizen tax!

Congressman Jon Kyl and Senator Trent Lott have introduced the senior citizen tax fairness bill (H.R. 2959/S.1408) to repeal the outrageous and unfair tax hikes on Social Security.

USA, Inc. has pledged to do everything we can to help these two courageous leaders get their bill passed.

(Be sure to watch the government-subsidized senior groups to see if they come out in favor of this bill and then really fight to help get it passed.)

And the other big battle in 1994 will be health care reform.

Earlier this year, USA, Inc. co-founded a special coalition called "Citizens Against Rationing Health" (CARH).

Along with other members of the coalition, CARH will hold town meetings, seminars, and other functions across the nation.

CARH's most important goal is to make sure any reforms to America's health care system do not cause any kind of "rationing" of your health care freedoms.

No one in America—least of all seniors—should have some federal bureaucrat telling you which doctor you can use, which hospital you can go to, or what kind of treatment you can have.

And you shouldn't have to wait for months for a critical or lifesaving procedure, just because government bureaucrats have made the system too inefficient and complicated—like they've done in Canada, Sweden, and England.

And that brings me back to my request that you renew your USA, Inc. membership for 1994—and do it today.

You see, unlike some other senior groups, USA, Inc. does not get millions of taxpayer dollars each year in federal subsidies.

We rely completely on voluntary generosity from our Members.

Thanks to the help and support of our Members, USA, Inc. has been able to carry out a series of significant campaigns this year on behalf of seniors all across the country.

USA, Inc. was the first senior group to warn about the dangers of "Means Testing".

Means Testing is based on the outrageous idea that "some" seniors do not "need" their benefits. (Supporters of Means Testing don't seem to care that you've paid Social Security and Medicare taxes almost all your working life.)

We have sent letters explaining "Means Testing" to another 700,000 seniors in 1993 (on top of 1.2 million in 1992), asking them to help us put a stop to the very idea of "Means Testing" before it can gain a foothold in Congress.

We delivered letters to every Member of Congress and the White House—signed by 45,739 seniors nationwide—demanding they oppose any kind of "Means Test" and not cut Social Security or Medicare benefits and not raise taxes.

As soon as the details of Bill Clinton's "economic plan" were revealed—and taxes on Social Security benefits were raised dramatically and Medicare payments to doctors and hospitals were slashed again—USA, Inc. launched a massive media and lobbying campaign to gather support for killing the taxes and cuts.

We mailed over 6,800,000 letters to seniors across the nation (Members of USA, Inc. and non-Members) to mobilize them to turn the heat up on Clinton and Congress over the economic plan that unfairly punished seniors.

Our lobbyists, led my former Congressman Beau Boulter, spent tireless hours in Congress in one-on-one meetings with key Members of Congress to try and gain the votes we needed to defeat these unfair taxes and cuts.

We ran television ads nationwide and radio ads in 15 key cities to alert seniors to Congress' Social Security tax hikes and massive Medicare cuts. Our ads were geared to pressure several key U.S. Senators to vote against the anti-senior, anti-job, tax-and-spend Budget Bill.

We delivered our 1993 Senior Opinion Poll survey results to every Member of Congress showing that Americans overwhelmingly opposed the special taxes on seniors and preferred spending cuts over tax increases by 14 to 1.

We released to the news media the results of our Senior Opinion Poll and held several news conferences.

These grassroots campaigns—carried out on your behalf—cost a lot, in time and money. With the unselfish help of seniors like you, we have made significant headway in reminding the politicians they can't afford to ignore or take seniors for granted.

We won't fully succeed in a month, or a year. The kinds of battles we fought for you in 1993 will continue in 1994, 1995, and beyond. That's why your 1994 membership issues survey is vital.

USA, Inc. is different from most other seniors groups. We support less government, less wasteful spending, and lower taxes. I believe most seniors in America agree with that. And I believe most seniors don't want handouts from the federal government.

But I want your opinions—as expressed through your answers to your enclosed Survey. We will use your answers to guide us in 1994 to the issues we will fight for on your behalf.

Only with your continued support—both moral and financial—can we be strong enough to keep fighting for your rights in the coming year and beyond. Some other senior groups in the country seem to be unwilling to really help keep the federal government off of your back and out of your wallet.

So please complete our 1994 survey and mail it to me today. And don't forget to renew your Membership as well.

Just fill out your Dues Statement and make out your check for your $5 annual dues.

And if you can afford to do so, please include an additional $6, $10, or $20 to help

USA, Inc. serve as your voice in Washington and to your fellow seniors across the country.

You have supported USA, Inc in the past. Won't you please renew your support in 1994 and help us help you and your family.

If together we can help stop just one plan to cut your benefits or raise your taxes, the $6, $10, or $20 you contribute—in addition to your dues—could easily be returned to you hundreds of times over.

Thank you for renewing your membership and support.

Best wishes,

MICHAEL A. BLAKE,
Executive Director.

P.S.—We'll certainly need your additional help to underwrite the battles we already know we'll have to fight in the first new months of 1994—the senior citizen tax fairness bill and to stop Clinton and Congress from destroying the best health care system in the world in the name of so-called "reform".

We can't hope to protect your health care freedoms and your Social Security benefits all alone. We need your opinions in your 1994 issues survey. And we need your financial help in the form of your 1994 Membership renewal and any additional amount you can afford to send. Please renew today!

OCTOBER 4, 1993.

DEAR SENIORS COALITION MEMBER: If you listened to the President on September 22, you heard him tell you how wonderful his mandatory, government-controlled Health Care will be. He made it sound like a great idea for everyone, including Seniors.

The fact is it will be a disaster.

1. You will lose the right to freely choose your own physician, or you'll pay a severe financial penalty.

2. As in Canada, England and elsewhere, Health Care for Seniors will ultimately be rationed. There will be long lines for both simple and life-saving operations.

3. Government bureaucrats will be in charge. Health Care will deteriorate. Seniors will suffer the most.

4. Funding for new medicines and new technologies will be slashed. There will be massive cuts in Medicare.

Believe me, this is nothing less than a complete government takeover. Yes, we need changes. But nothing like this. This plan must be stopped.

I need your help immediately. Because of your recent support of The Seniors Coalition, I am writing you first to help me generate immediate opposition in Congress.

Here's what I'm asking you to do:

First, read the enclosed Emergency Communication.

Then, sign your name at the bottom and return it to me. This authorizes me to send it by Overnight Express to every Member of the U.S. Senate and House of Representatives on your behalf.

Finally, please enclose a check for $10, $15, $20 or more to The Seniors Coalition to pay for our emergency campaign to protect Health Care for Senior Citizens in this country.

The emergency communication I'm asking you to sign today is only the first step in our battle to stop a Federal Government takeover of your medical care.

As you read my telegram today, we are actively preparing the largest lobbying campaign in our history to preserve and protect your health care benefits.

In the next few weeks alone we will write to hundreds of thousands of your fellow Seniors asking them to join in this fight.

Our goal is a simple one: to flood each and every member of Congress—all 535 Senators and Representatives—with letters, telegrams and postcards asking them to vote against the Clinton Health Care Plan.

Our staff is already hard at work meeting with key decision makers in the U.S. Congress on this issue. Plus we plan to arrange TV/radio interviews to explain clearly the dangers of this plan to Americans all across the country.

Finally, we are working with other organizations who are united in the belief that Bill Clinton's government-run Health Care plan is bad for you and bad for America.

All of these important lobbying activities require a major commitment of time, effort and money.

That's why I must rely on you and other members to help me raise the money we need.

So please help us cover our costs of this massive lobbying campaign by enclosing a check for $10, $15, $20 or more to The Seniors Coalition.

Let me emphasize one point. If it represents a real financial hardship I wouldn't want you to send a contribution today. But if you can, please do so now. It is very important you take action to protect the quantity and integrity of your health care and that of your family and friends.

Together we can stop future rationing of your health care and protect your right to freely choose the doctor of your choice. Please, act today!

Sincerely,

JAKE HANSEN,
Director, Government Affairs.

THE SENIORS COALITION,
Fairfax, VA.

AUTHORIZATION FORM

( ) Yes, I authorize The Seniors Coalition to include the attached Emergency Communication along with the many thousands of others being sent to every U.S. Senator and Congressman via overnight express. I am deeply upset at Bill and Hillary Rodham Clinton's plans to slash Billions of Dollars from Medicare, ration Health Care, take away my ability to choose my own doctor, and have government bureaucrats making my medical decisions for me.

( ) Yes, I'm enclosing my contribution in the amount checked below to help launch your emergency lobbying campaign to Stop the Clinton Health Care plan and generate opposition in Congress.

( ) $5 ( ) $8 ( ) $___ Other

Make check payable to: The Seniors Coalition

[EMERGENCY COMMUNICATION]

Via Overnight Expess

To: All Members of the United States Senate and House of Representatives.

From:

As a senior citizen, I am going on record as strongly opposing President Clinton's mandatory, government-run health care plan.

His plan will lead to health care rationing, limit my freedom to choose my own doctor, and give government bureaucrats more power to make my medical decisions for me.

While changes must be made, the federal government has no right to take over the health care system in this country. I urge you to oppose the Clinton health care plan and any plan that puts government bureaucrats in charge of the most personal decisions in our lives.

Date:

Signed:

Member, The Seniors Coalition.

THE SENIORS COALITION

The Seniors Coalition, Inc. [TSC] was incorporated in the state of Virginia in 1990. The principal place of business is 11166 Main Street, Suite 302, Fairfax, Virginia 22030 and the phone number is (703) 591-0663. We have a 501(c)(4) classification from the Internal Revenue Service. Our purpose is to foster a national public awareness and understanding of the special concerns, interests, and needs of senior citizens and to develop and promote programs accordingly.

Residents of the following states may request financial statements and other information from the offices indicated (the toll free numbers are for use only within the respective states): Arizona: Financial information filed with the Secretary of State is available for public inspection or by calling toll free 1-800-458-4842. Florida: A copy of the official registration and financial information may be obtained from the Division of Consumer Services by calling 1-800-435-7352, toll free, within the State. Registration does not imply endorsement, approval or recommendation by the State. Kansas: The Kansas registration number is 06-91-689SC. The annual financial report for the preceding fiscal year is on file with the Secretary of State. Maryland: Copies of documents and information submitted by TSC are available from the Office of the Secretary of State, Statehouse, Annapolis, MD 21401, 1-800-825-4510. New York: New York residents may obtain a copy of our annual report by writing to the Office of Charities Registration, 162 Washington St., Albany, NY 12231. Pennsylvania: A copy of the official registration and financial information of TSC may be obtained from the Pennsylvania Department of State by calling toll free, within Pennsylvania, 1-800-732-0999. Registration does not imply endorsement. Virginia: Commonwealth of Virginia, State Office of Consumer Affairs, P.O. Box 1163, Richmond, VA 23208 (804) 786-1343. West Virginia: Secretary of State, State Capitol, Charleston, WV 25305. Registration does not imply endorsement. For copies of current financial statements you may send a written request to the address listed above or call TSC directly at the telephone number listed above.

The Senior Coalition, Inc. is a non-profit organization. We are NOT affiliated with, endorse or funded by any government agency, political party or political candidate. TSC represents over 2,000,000 senior Americans. Because we lobby vigorously in support of your rights as a senior citizen, IRS regulations prohibit your contribution from being deductible for income tax purposes. You may ask for a refund at any time, for any reason.

THE SENIORS COALITION,
Washington, DC.

DEAR ——: It's what you don't know about Hillary Rodham Clinton's health care plan that you should be worried about.

You see, cloaked in secrecy, mired in double talk and friendly smiles, Hillary Rodham Clinton and her "Task Force" have produced a mandatory government-managed medical plan for every man, woman and child in America.

She touts it as part of a nationwide public relations campaign that unfortunately is paid for by you, the taxpayer.

Yet she reveals little detail. It's all pretty packaging. But you and the public have no real clue what's inside the package or how her health care plan will actually affect you.

Well, The Seniors Coalition has done its homework, and today we're sending this Special Report to you. Read it so you know what

the Clintons see for the future of Senior Health Care in America, and for the impact it will have on you and your family.

Then, if you agree this plan must be defeated, we urge you to act.

This report comes to you in three sections:

What the Clinton plan will do.

Your Health Care Survey.

Your Action Postcards.

But before you begin, let me give you this warning: Your future health care is in the hands of Hillary Rodham Clinton and a Congress that just voted to increase taxes on Senior Citizens. I hope you're prepared to fight against what we are about to reveal. This will be a national fight for Seniors' rights.

Hopefully you and other Seniors from every corner of America will let their Senators, Congressman and the President know that: "America's Senior Citizens do not want Government-controlled health care"!

To make sure Congress and the President hear from you, we've enclosed four pre-addressed Post Cards for you to mail today.

And we have a Survey that registers your opinion about the three most important issues you will likely face as a result of Hillary Rodham Clinton's proposed plan. Do you favor or oppose:

(1) Rationing medical health care and limiting access by Seniors.

(2) Losing your right to choose your personal doctor.

(3) Increasing taxes (again!) to pay for a government run program that offers less care, poorer quality and long lines.

When you finish reading your report, please take a few minutes to give The Seniors Coalition your personal feelings about this alarming proposal. We will quickly deliver the results of this survey to every Senator and Representative in Washington, every Governor, and hundreds of newspapers, television and radio stations so they know how Seniors feel.

You see, unlike the Clinton Administration which seems so hostile to Seniors, we believe the strength of a nation is in its Senior Citizens. Men and women who have served their nation in peace and war, who have paid their taxes and worked to build this nation. These men and women are a cornerstone of America.

A SPECIAL REPORT: SENIORS' MEDICAL CARE AT RISK

This report is a summary of our full report that is available upon request (see reply form).

ISSUE ONE: RATIONING YOUR MEDICAL CARE

The Clinton Administration has been advised by their public relations professionals to avoid using the word "rationing." So they'll deny that this plan will ration health care to the elderly. However, throughout the secret discussions of the Hillary Rodham Clinton Task Force, it's been conceded that rationing will occur and will impact the elderly the most.

In order for the government to insure that "every citizen" gets health care, strict limitations will be set. There will be spending limits. There will be regulators making medical decisions. There will be delays and waiting lines.

In Canada, a nation of only 26 million people, their "managed" health care plan already has 250,000 people on a waiting list for surgery. It takes two and a half months to get a mammogram and five months to get a pap smear.

And the Canadian government is now cutting back further as it runs short on money. That's why so many gravely ill Canadians cross the border to America. In fact, the danger of dying in Canada is greater by being on a waiting list than it is to be on the operating table!

In Great Britain another nation involved in a socialized medicine plan, the government allows only a set number of kidney dialysis machines. If your kidneys falter, pray that it is early in the year while machines are available. Furthermore, it's against British law to acquire treatment once a rationing budget has reached its limit. Richer patients try to buy U.S. machines, but that's also against the law.

Both the Canadian and British systems have been used as models by Hillary Rodham Clinton's Task Force. She believes "global budgeting" is the best way to keep medical costs down. But that's just her way to avoid saying "rationing".

Under "global budgeting" physicians will be prevented from providing government paid services for treatment once the budget has been reached for the year. And in order to stay within their budgets, doctors will be forced to make decisions . . . or have bureaucrats make decisions based on who's likely to benefit more from the treatment. As in Canada and Great Britain, you can bet your life savings that here at home, the decision will almost always be against the elderly and in favor of the young.

Don't you think it's wrong to pit one generation against another?

ISSUE TWO: THE RIGHT TO CHOOSE YOUR OWN DOCTOR

The President and Mrs. Clinton have said over and over again that "the right to choose" your physician is fundamental. They promise it will be in whatever plan they propose.

Don't believe it. Not for a second. As The New York Times said about the President, it's "always wise to read the fine print." Clearly Bill Clinton is clever at phrasing things so they don't mean quite what you think they do.

Yes, you'll have a "choice" in the plan you choose . . . but only from the list of doctors the government approves. If your doctor is not on that list, sorry, you cannot choose him or her.

ISSUE THREE: YOUR MEDICAL PRIVACY

The secret hearings of the Task Force have also dealt with the matter of medical information. Public statements talk about "privacy". But the real position of the Task Force is something else.

Their plan includes a national identification card you must carry. This ID card will likely have more than a name and number on it. It will actually have a small computer chip that can hold more information about you than a full issue of TIME Magazine!

Eventually, you and your doctor will be required to provide the government with a complete personal and medical history that will be entered on this card. Then any time you need medical care, you'll have to present this card with your life history on it.

If this plan becomes law, we will see the end of the centuries-old tradition of the confidential relationship between doctor and patient.

ISSUE FOUR: THE COST TO YOU

Just as Seniors will soon be paying more for gas, thanks to the Clinton tax increase, we believe Seniors will soon pay more for medical care through new personal taxes and perhaps a national sales tax which would add to the cost of everything you buy.

Cost estimates—not including current medicare dollars—run from $73 billion annually to $100 billion annually. With Medicare included those costs rise to $132 billion.

Conservative estimates are that this program will cost at least $1,000 per year per household. Some estimates have this doubling by 1999.

Canada is learning the lesson. So is Great Britain. Government mandated programs do not work and cannot be afforded. They increase medical costs to everyone. The quality of medicine deteriorates.

ISSUE FIVE: THE NATION'S MEDICAL SYSTEM WILL DETERIORATE

Based on our meetings and conversations with knowledgeable health care leaders, if the Clinton plan is passed, you'll see the deterioration of the health care system in America.

Just as long lines are the trademark of government when you go to get a license or mail a letter, so will long lines be part of your government provided medical care.

Paperwork will escalate. Doctors will spend even more time filling out more government forms. Billing mistakes will become endless nightmares of phone calls, letters and more red tape.

Fewer young men and women will enter medical school.

Where will you turn when the system turns you down? If the Clinton's have their way, your final appeal for help will be your Congressman or Congresswoman! This frightens me as much as anything, that a politician can have this much power over our lives.

Doctors and scientists will lose the incentive to develop the miracle drugs of tomorrow.

Medical manufacturers will lose the incentive to pioneer new equipment and new procedures.

WHAT YOU CAN DO: THE BATTLE PLAN

If I've convinced you that what Hillary Rodham Clinton has in store for you is not what you want, join with The Seniors Coalition now! With your help we intend to stop Hillary Rodham Clinton's government-run medical plan BEFORE it has a chance to put a single American's health care at risk.

But to do that, we must build nationwide opposition that will force Congress to say "NO". Here's what I need you to do:

First, answer the enclosed survey. Let me know how you feel on these important questions regarding your health care. We need to hear from you and hundreds of thousands of other Seniors from every city and state in this country.

As we receive these surveys, we will quickly tally them and provide the results to Congress, The White House and the Press.

Next, sign and mail your four post cards. These are already addressed to your Senators, Representative and to the President.

It's so important for them to hear from you. If you prefer to write a letter, that's even better.

Finally, so we can continue this campaign to reach other Seniors in your area and across the country, please help us financially. Send a contribution of at least $10 for your membership, plus whatever else you can give to help.

$10 will allow us to reach 24 other Seniors with this message.

$25 will allow us to reach 60.

$50 will allow us to reach 120.

$100 will allow us to reach 240!

We'll be fighting a powerful opposition that has the White House and much of Congress behind it. In addition, many liberal newspaper and television journalists want to see a mandatory, socialized health plan.

They fail to understand the importance of the free market, free enterprise system that built our nation. So please help us by sending us your check.

Your $10 membership brings with it a subscription to our 32 page newspaper which we publish six times a year. It's The Senior Class, and I promise you it's well worth the $10 alone.

The Seniors Coalition was organized in 1988 to fight the government's effort to impose catastrophic health care on the nation's Seniors. Since then, we have grown to more than 2,000,000 members and supporters in every corner of the country.

Please join with us. I look forward to hearing from you.

Sincerely,

JAKE HANSEN,
Director, Government Affairs.

P.S.—Remember, if the Clinton health plan becomes the law of the land, this nation's medical system will deteriorate badly. So join us today to fight the Clinton plan! Please return your survey, mail your post cards and send a contribution of $10, $15, $20, $25, $50, $100 or more.

P.P.S.—As a special bonus, we'll send you our 128 page book "What Everyone Should Know About Social Security" for a contribution of $20 or more.

[The Seniors Coalition Special Report]

SENIORS HEALTH CARE AT RISK

(Survey on Hillary Rodham Clinton's Health Care Plan)

Please mark each question with a Yes, No or No opinion. Then return it to us in the envelope we've provided. Your answers will be tallied and included in our next report to Congress and the White House. Please be sure to complete and return your survey even if you do not send a contribution.

1. President Clinton is proposing a medical health care plan that will be mandatory for every man, woman and child in the United States. It will limit freedom of choice and impose rationing on Senior Citizens.

Do you oppose a plan that will ration health care to Senior Citizens?

(☐)Yes (☐)No (☐)No opinion

2. In Canada where health care is rationed, government bureaucrats must choose between patients for medical care. Generally, young patients receive preference.

Do you oppose any plan that favors one age group over another?

(☐)Yes (☐)No (☐)No opinion

3. Only doctors approved by the government will be on the list you can choose from. If your doctor is not on the list, you will be prevented from using him or her in the Clinton Health Plan.

Do you oppose any plan that prevents you from choosing your own doctor?

(☐)Yes (☐)No (☐)No opinion

4. President Clinton has proposed a mandatory "health card" with a computer chip in it. You and all Americans will be required to have one. You will have to provide the government with all your medical information so they can put it in the card (which can hold up to 1600 pages of information on you!).

Do you oppose any plan that requires disclosure to the government of your private medical history?

(☐)Yes (☐)No (☐)No opinion

5. Hillary Rodham Clinton says all Americans will have "free" health care. Yet her plan will cost the average household $1,000 per year. She is calling for an additional payroll tax and considering a national sales tax to help pay for her plan.

Do you oppose a national sales tax to pay for her plan?

(☐)Yes (☐)No (☐)No opinion

6. Since Canada put price controls on pharmaceutical companies in 1969, there have been virtually no new drugs developed there. In the United States miracle drugs have dramatically reduced medical costs by reducing operations and hospitalizations.

Do you oppose government controls on companies who develop new drugs, equipment and procedures that save lives and cut costs?

(☐)Yes (☐)No (☐)No opinion

7. The Seniors Coalition opposes any mandatory health care plan that results in rationing and limiting your choice of doctors.

Do you support our position?

(☐)Yes (☐)No (☐)No opinion

8. The Seniors Coalition wants to put this Special Report and Survey in the hands of every Senior Citizen in America.

Will you help by joining The Senior Coalition and sending us a contribution?

(☐)Yes (☐)No (☐)No opinion

(If YES, please return both this survey and the attached Reply Form along with your check. Thanks for your support. We will send you a copy of the results of this survey if you wish.)

Signature:

Date:

(☐) Yes, here is my completed survey. Please include my answers in your next report to Congress and the President.

(☐) Yes, please send me a copy of your full Health Care Report.

(☐) Yes, I am mailing my Post Cards to President Clinton, my two U.S. Senators and my U.S. Representative in Congress.

(☐) Yes, I want to help you reach other Seniors with this Special Report. I agree that the Clinton Health Plan will put my own medical care at risk. I support the work you are doing to defeat the Clinton Health Plan.

Enclosed is my contribution of:

(☐)$10 (☐)$15 (☐)$20* (☐)$25*

(☐)Other $____

Please make check payable to: The Seniors Coalition.

Because The Seniors Coalition is lobbying to protect seniors' rights the IRS prohibits your contribution from being tax-deductible.

If for any reason you are not satisfied with The Senior Coalition, your contribution will be refunded with no questions asked. Please do not send a contribution if it presents a financial hardship.

*We will send you a bonus gift of our 128 page book, "What Everyone Should Know About Social Security" if you send a gift of $20 or more.

DEAR SENATOR: I am a Senior Citizen who is worried about President Clinton's plan for a mandatory health care system for all Americans. As my Senator, I urge you to oppose any plan that:

Leads to rationing of health care services.

Forces me into a government plan that limits my choice of my private physician.

Will increase my costs for medical care.

I believe a mandatory government plan will reduce the quality of health care. I much prefer a health care system that is based on a free market, free enterprise approach. Please don't vote to sacrifice the best health care system in the world.

Sincerely,

_____.

DEAR REPRESENTATIVE: I am a Senior Citizen who is worried about President Clinton's plan for a mandatory health care system for all Americans. As my representative, I urge you to oppose any plan that:

Leads to rationing of health care services.

Forces me into a government plan that limits my choice of my private physician.

Will increase my costs for medical care.

I believe a mandatory government plan will reduce the quality of health care. I much prefer a health care system that is based on a free market, free enterprise approach. Please don't vote to sacrifice the best health care system in the world.

Sincerely,

_____.

DEAR MR. PRESIDENT: I am a Senior Citizens who is worried about your plan for a mandatory health care system for all Americans. I believe your plan will reduce the quality of health care.

I much prefer a health care system that is based on a free market, free enterprise approach. Please don't sacrifice the best health care system in the world for a system that is failing in both Canada and Great Britain.

Sincerely,

_____.

DEAR SENATOR: I am a Senior Citizen who is worried about President Clinton's plan for a mandatory health care system for all Americans. As my Senator, I urge you to oppose any plan that:

Leads to rationing of health care services.

Forces me into a government plan that limits my choice of my private physician.

Will increase my costs for medical care.

I believe a mandatory government plan will reduce the quality of health care. I much prefer a health care system that is based on a free market, free enterprise approach. Please don't vote to sacrifice the best health care system in the world.

Sincerely,

_____.

JUST ANOTHER CON JOB ON THE ELDERLY?

(By Peter H. Stone)

Two U.S. Attorneys are conducting fraud investigations of individuals who have worked for the Seniors Coalition, a Fairfax (Va.)-based advocacy group for the elderly, and one of their targets is Richard A. Viguerie, the direct-mail kingpin of the Right.

One of the probes appears to focus on whether Viguerie, who handled the coalition's mailings for three years, used it and other elderly groups for his own financial benefit. The other investigation is looking at whether Dan C. Alexander Jr. and his wife, Fay, a founder of the Seniors Coalition, used the nonprofit, tax-exempt group for their personal gain.

A federal grand jury in New York City has subpoenaed documents pertaining to Viguerie's work for the coalition, according to sources familiar with the inquiry.

The second investigation, still in its early stages, is being conducted by the U.S. Attorney for the Eastern District of Virginia. A grand jury there has subpoenaed documents relating to the Alexanders, who have run the Taxpayers Education Lobby, a Virginia-based group that formerly controlled the Seniors Coalition. The FBI and U.S. Postal Inspection Service are also involved in the Virginia investigation, sources said.

Viguerie and his lawyer did not return calls; Alexander declined to comment.

Jake A. Hansen, the chief lobbyist for the Seniors Coalition, said that the group has been assured by its counsel that it is not a target of the investigations. Viguerie and Alexander no longer have ties to the group, he added.

The coalition, which has styled itself as a conservative alternative to such groups as the American Association of Retired Persons, has attracted controversy almost since its founding in 1989.

Some Members of Congress have complained that Viguerie's mailings for the coalition and some other groups exploited the fears of the elderly about social security and medicare, largely to help his business. In a May statement on the Senate floor, David Pryor, D-Ark., who chairs the Senate Governmental Affairs Subcommittee on Federal Services, Post Office and Civil Service, said that Viguerie "was an opportunist who is operating at the very fringes of the law" and at the "expense of the very people" for whom he says he is concerned.

In an article last November, The New York Times detailed how Viguerie's direct-mail work for the Senior Coalition and other groups had filled the coffers of his business since 1989.

After the article appeared, the New York state attorney general's office began an investigation into what it called "a web of interrelated and interlocking direct-mail organizations"—including the Seniors Coalition—linked to Viguerie.

The Times reported that Viguerie used the mailing list of the Seniors Coalition to build a for-profit group, the Retired Americans Legislative Lobby Inc., which he controlled and which generated lucrative fees for other Viguerie companies. In early 1990, the new group sent a mailing to millions of elderly people—including Senior Coalition members—urging them to help "stop the government from 'stealing' our social security funds." (Viguerie later converted the for-profit group to a nonprofit organization, the United Seniors Association, which continues to operate.)

Viguerie's contract with the Seniors Coalition was terminated at the end of 1991, in large part because the group complained that he had abused their relationship by creating competition for the coalition. Viguerie sued, contending that under his contract, he was still owed about $550,000 and that he should be paid 5 cents for every new letter that the group mailed that used his concepts.

The coalition countered that Viguerie's business had "breached its obligation of good faith, loyalty and fair dealing" by becoming a direct competitor. It also charged Viguerie with "using and abusing" its donors' names. However, the coalition agreed to settle the suit by paying Viguerie $600,000.

Viguerie and Alexander have a relationship dating to 1980, when Alexander started the Taxpayers Education lobby with Viguerie's help. Alexander, who was president of a local school board in Mobile, Ala., was interested in spreading his gospel on school prayer and traditional educational values around the country. With Viguerie as a fund-raising and direct-mail consultant, the Taxpayers Education Lobby over the next five years raised $1 million-$2 million annually from hundreds of thousands of people.

But Viguerie's contract with Alexander had several features that, direct-mail experts say, skirted the industry's ethical rules and generated extra money for Viguerie's business. For instance, Viguerie was given complete control over the group's donor list which had been compiled at the group's expense. He then rented the list out for additional fees.

The taxpayer lobby moved to Northern Virginia in early 1986, shortly before federal prosecutors in Alabama indicted Alexander for extorting kickbacks on school construction projects from 1974-83. He was convicted and served 4 years of a 12-year term. In the meantime, his wife headed the taxpayer lobby, and in 1989, she started the Seniors Coalition with Viguerie's help.

The coalition reported raising more than $23 million from 1990 through the first six months of 1992 and said it had a donor list of 800,000.

The Virginia investigation of Alexander's role in the coalition seems to focus on charges that he and his wife ran the group for their personal benefit without the independent governing structures that nonprofit groups are supposed to have.

For instance, the coalition's board until late last year consisted of Fay Alexander and one or two of her business associates. For its first three years, the coalition's president was Susan Alexander, the couple's teenage daughter. Dan Alexander told The Times that because of his criminal record he couldn't find outsiders to be directors.

At the start of 1992, the coalition became independent of the taxpayers' lobby but maintained a management contract with it that called for paying Mrs. Alexander $20,000 a month—an amount that some coalition employees say privately was excessive. According to The Times, the coalition also purchased services from companies that Mrs. Alexander owned, and Dan Alexander received $3,000 per month for consulting, too.

"They were never hesitant to lavish benefits on themselves, but they grudgingly gave us the tools we needed to do our jobs," said a coalition official who asked not to be identified.

Last fall, all ties with the Taxpayers Education Lobby were ended after the coalition's entire staff threatened to resign. Since then, the coalition has recruited three outside directors and installed a new chief executive, Paul Bramell.

The PRESIDING OFFICER (Mr. CAMPBELL). Who yields time? The Senator from New Mexico [Mr. DOMENICI] is recognized.

Mr. DOMENICI. I yield whatever time the distinguished chairman of the committee desires.

The PRESIDING OFFICER. The Senator from Hawaii [Mr. INOUYE].

Mr. INOUYE. I ask unanimous consent that on the Lautenberg amendment, there be a time limit of 30 minutes equally divided, under the control of Senator LAUTENBERG and the chairman of the subcommittee, and that there be no second-degree amendments.

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

Who yields time?

Mr. STEVENS. Mr. President, could I inquire of the impact of the last time agreement on the Lautenberg amendment? What was the agreement?

The PRESIDING OFFICER. The agreement there would be 30 minutes equally divided between Senator LAUTENBERG and the Senator from Hawaii.

Mr. STEVENS. I might respectfully request that be 30 minutes equally divided prior to a motion to table; if the Lautenberg amendment is not tabled, that it remain open for debate and for second-degree amendments. That was the request.

Mr. INOUYE. I have no objection to that.

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

The Senator from New Mexico [Mr. DOMENICI] is recognized.

AMENDMENT NO. 1068

(Purpose: To extend caps on defense and nondefense discretionary spending levels through fiscal year 1998)

Mr. DOMENICI. Mr. President, shortly I am going to send an amendment to the desk in behalf of myself and Senator NUNN. I have been informed, and I have no reason to think otherwise, if this Nunn-Domenici amendment would have been a sense of the Senate, as we had contemplated it, with reference to reinstating the walls for defense and foreign affairs, that it would have been subject to a point of order under the Budget Act because the Parliamentarian would so rule.

I am not agreeing here today, nor do I wish to give any further credence to that parliamentary situation, which I think is in error.

Nonetheless, instead of doing that, since if I have to have 60 votes on a sense-of-the-Senate resolution, I have decided, in behalf and with the concurrence of my friend, the Senator from Georgia, to submit an amendment that just changes the substantive law of the land with reference to walls. Obviously, it would be subject to 60 votes, but at least I would not be adding to the precedent of letting a sense-of-the-Senate resolution be subject to a point of order.

I am not making any inquiry of the Parliamentarian, who sits there watching. Obviously, from the demeanor, I do not think I have said anything that is inconsistent. But I do not care to spread that on the RECORD, so I cannot spread her reaction on the RECORD.

May I have order, please?

The PRESIDING OFFICER. The Senate will be in order.

The Senator may proceed.

Mr. DOMENICI. Mr. President, I would say, though, that this amendment, whether or not it be in the nature of a sense-of-the-Senate resolution, regarding reinstatement of the walls separating the budget numbers of defense from all of the rest of discretionary on the domestic side, would take a long time, because I understand there are Members on both sides who would like to discuss it. In particular, I gather, those who oppose it would take a very long period of time.

I am going to offer it so it will be in the RECORD. We are going to discuss it for a length of time, but then I will not ask for a vote. I will withdraw it. I want to make sure we do not get one more appropriation bill for the defense of our country behind us without my being able—and I assume my able friend from Georgia wants to do the same—to lay down a marker that will remind the U.S. Senate and the public of this country what is happening to the defense of our Nation in terms of available resources under the current situation.

So I will send an amendment to the desk, amendment No. 1068, in behalf of

myself and Senator NUNN, and ask for its immediate consideration, with the full understanding I have already shared with my friend, the chairman of the committee, that we will not vote on it. After debate, we will withdraw it.

I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself and Mr. NUNN, proposes an amendment numbered 1068.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. .EXTENSION OF SPENDING LIMITS.

(a) CATEGORY.—Subparagraph (A) of section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

"(A) For fiscal years 1994 and 1995, any of the following subsets of discretionary appropriations: defense or nondefense. New accounts or activities shall be categorized in consultation with the Committees on Appropriations and the Budget of the House of Representatives and the Senate.".

(b) DISCRETIONARY SPENDING.—Section 601(a)(2) of the Congressional Budget Act of 1974 is amended by striking subparagraphs (D) and (E), and inserting: "(D) with respect to fiscal year 1994—

"(i) for the defense category: $264,051,000,000 in new budget authority and $277,294,000,000 in outlays;

"(ii) for the nondefense category: $236,913,000,000 in new budget authority and $261,463,000,000 in outlays;

"(E) with respect to fiscal year 1995—

"(i) for the defense category: $262,624,000,000 in new budget authority and $272,744,000,000 in outlays;"

"(ii) for the nondefense category: $243,663,000,000 in new budget authority and $268,528,000,000 in outlays;"

Mr. DOMENICI. Mr. President, stunning events on four continents call into question the basic premises on which this administration bases its defense budget and what passes for its foreign policy:

The storming of Russia's parliament building by Boris Yeltsin's troops earlier this month should end the euphoria in Europe that started building with the fall of the Berlin Wall.

The mauling of our finest troops by a band of irregular forces in Somalia should halt talk of putting other American forces under U.N. command. It may save others from being sent into danger with no mission and inadequate support.

The scuttling of State Department attempts to rush United States military engineers ashore in Haiti, followed by the abrupt flight of U.N. personnel already there, marked the collapse of a flawed administration plan to "restore" democracy to Haiti.

Let us take a hard look at what recent events there and elsewhere signify for our national security:

First, Russia's only elected President is now totally dependent on his military. He has survived in power because of a military that has not allowed us to verify the dismantlement of a single nuclear warhead. And they may have 12,000 more warheads than we realized.

Also this month, we received news that China, defiantly rejecting our appeal for a moratorium on nuclear testing, exploded a nuclear device thought to be five to six times the size of the atomic bombs used in World War II. At the same time, China uses its vigorous economy to expand its conventional forces.

Finally, in Somalia, in Haiti, in China, and among many in Russia, anti-American feelings flare. As the remaining superpower, we are attacked for what we do and what we don't do. There are still groups out there who are capable of inflicting great harm on America and American interests at minimal cost to themselves.

None of this means that the cold war is back, but it means that an enlarged world of democracies with market economies—the assumption behind this administration's foreign policy rhetoric—is remote indeed. The more peaceful and more cooperative world we envisioned as recently as last year is fast receding.

In North Korea, in Serbia, and in Iraq, to mention a few places, well-armed thugs rule and threaten their neighbors.

There may no longer be a cold war, but we seem to be facing an icy peace.

This is a pivotal point in our Nation's history. The decisions we are making now in Washington about foreign commitments and support for our Armed Forces will shape the security of our Nation and the industrial world over the next decades.

Overseas, we face great uncertainty. That is always the case in periods of transition. Others look to us for leadership, for protection, or for signs that we will act with resolve.

The future of NATO, our future relations with a changing Japan, and hemispheric relations are all facing decision points in the near future. Here, as in Europe, skilled and unskilled immigrants from many poorer nations seek security and a better future. How we react to this uncertainty will, indisputably, shape our own future.

If America continues to signal disinterest or lack of resolve, global hotspots will ignite and present this Nation with real problems. That has happened too many times in my lifetime.

In 1950 in Korea, Kim Il Sung didn't believe that the United States would defend South Korea against his invasion.

In the late 1970's, Leonid Brezhnev didn't believe that the United States would resist Soviet expansion in Central America, Afghanistan, and Africa.

In 1990, Saddam Hussein didn't believe that Kuwait was important enough to the United States.

In 1992, for example, many so-called foreign policy experts suggested there were no threats left because of the breakup of the Soviet Union. Few predicted that within a year Russian tanks would be engaged in central Moscow, Russian ships and planes in Georgia, and Russian forces in Afghanistan.

None predicted that Russia would threaten to withdraw from the conventional forces agreements in Europe—as it did this month.

But the fact is, recent history is replete with instances where enormous strategic upheaval occurred unexpectedly in the course of a few years or even less. This is not a lesson we should have to keep learning anew.

The United States calls itself the only remaining superpower. But despite dramatic change over the past 5 years, there remain real threats to American interests and American security. We must guard against these threats.

We must update our overseas interests and responsibilities, both military and economic, and design our national security policy to meet those current interests. But I fear that inattention by the President, irresolution among his advisors, and the current defense build-down may together invite trouble from outlaw nations and foreign terrorists.

My disagreement with the Clinton defense budget is not its downward direction, but its velocity and lack of connection with the real world. Clearly, spending restraint is a key ingredient of any deficit reduction package and, certainly, the defense budget can be reduced.

For the record, we have been cutting defense since the mid 1980's. Our challenge today, as it has been for the past few years, is to cut military spending in a manner that does not harm our security. We must maintain the effectiveness of our military force—the quality of our people and our technology. And we must structure our forces to meet the potential threats we face.

But I do not agree with those who look to the defense budget as a cure for all our fiscal woes. The defense budget can't continue to be tapped for Russian aid and domestic transportation projects. That bank is closed, I trust. That is the message I hear from the managers of this bill.

In 1995, the Department of Defense received $350 billion, measured in constant 1994 dollars. In 1994 that figure will fall to $239 billion and plans are for it to continue to fall further.

By 1998 defense spending will have dropped 35 percent—at a time when the administration keeps old commitments while coming up with new ones almost daily.

As a share of Federal outlays, 17.5 percent, or as a share of GDP, 4.1 percent; Department of Defense expenditures are already at the lowest levels since before the Korean war. When that war started, our men were ill-equipped and ill-trained, and were barely able to hold on.

The Clinton administration's budget is our third post-cold-war budget.

During the campaign, candidate Clinton promised to cut $60 billion more than what the Bush administration budgeted for defense over the 1994 to 1998 period.

President Clinton's defense budget cuts twice what was promised during the campaign.

Surely the Clinton administration had a new, constrained foreign policy in mind when it submitted a budget that cut $120 billion more than was planned under the Bush administration.

The Clinton cuts were made with a promise that a Bottom-Up Review of our defense establishment would justify those cuts.

The Bottom-Up Review used by the new administration proposes a military force structure and defense modernization plan that will be able to fight and win in two nearly simultaneous major regional conflicts.

I understand that to mean another Iraq and another Korea.

But what does that mean when potential foes have nuclear or chemical weapons—and are willing to use them?

What does that mean when the United Nations seeks more American forces for Somalia or for intervention in Bosnia?

When faced with a more gradual defense reduction, Secretary Cheney said:

> As we reshape America's military and reduce its size, we must be careful that we do so in accordance with a defense strategy and a plan that will preserve the integrity of the military capability that we have so carefully built.

Under the Clinton Bottom-Up Review force structure, active duty forces are cut from 1.6 to 1.4 million—700,000 fewer than were under arms in 1990. Yet the threats faced by the Clinton forces are identical to, or greater than, those faced by the already down-sized Bush-Cheney force structure.

How may those who want to humiliate and harm America view this defense budget? Consider the following:

The Senate Defense Appropriations Subcommittee has raised readiness concerns in their report.

First, funding for programs with a direct readiness payoff, such as training, has fallen from one-half of the operations and maintenance budget to one-third.

Second, backlogs of maintenance on tanks, planes, and ships are beginning to creep upward.

Third, measures of unit and equipment capability to perform wartime missions have fallen.

Fourth, the services are having a harder time meeting their recruiting goals and the overall quality of recruits has dipped.

To me, these are all indications that we may be cutting defense too much and too fast, with little consideration of our foreign commitments and threats we face.

Second, some defense analysts, such as former Deputy Under Secretary of Defense Dov Zakheim, have raised affordability concerns. His analysis argues that "a growing gap is emerging between the strategies that the new administration is likely to pursue and the dollars it is willing to allocate to defense in the future."

In particular the analysis calls into question the budget requirements for the Clinton military. It concludes that a force structure slightly smaller than that adopted in the Bottom-Up Review would require a defense budget of $287 billion for fiscal year 1994. This is $25 billion more than the amount budgeted by the Clinton administration.

Furthermore, the analysis concludes that for the period 1994–2013, budget requirements for a Clinton-like force structure would cost 30-percent more than projected during the next 20 years.

Third, Air Force responsibilities grow under Aspin's plan yet its force structure and budget grows smaller.

The Bottom-Up Review calls for a force structure capable of fighting in two nearly simultaneous major regional contingencies. During the Persian Gulf war we deployed 11 Air Force wings to the Middle East, 11 Air Force wings that were supported by aircraft from 6 Navy carrier battle groups and many more aircraft from allied nations. Under the Clinton force structure, we simply won't have twice that number—for two such contingencies—available for deployment.

Finally, Secretary Aspin admits that he will have to find another $13 billion in defense savings to stay within the budget constraints he has adopted. What commitments will be dropped? What threats are expected to disappear?

Clearly these examples call into question the basic intellectual and financial assumptions behind the Clinton defense plan. How can this plan enable our armed services to protect our vital interests against the greater uncertainly and new threats now emerging?

Candidate Bill Clinton had it right last year, when he said: "We cannot go 4 more years without a plan to lead the world * * * We must define a new national security strategy * * *." I am just hoping that we will get that strategy soon.

Now, Mr. President, the issue before us in this amendment, the Domenici-Nunn amendment, is plain and simple. It says take the President's budget numbers and put them in as a mandatory requirement from which we cannot annually in the appropriations process, we cannot take money from that and spend it on other programs.

Frankly, the speech I just gave could have an equal counterpart that describes in detail the pressure that is currently on the domestic budget because of underfunding and new programs. I do not choose to speak to that tonight other than to tell the Senate that in my years here and the number of years that I have watched the evolution of budgets in the Congress, there has never been more pressure for more money and more programs on the domestic discretionary accounts of this Government than right now.

As a matter of fact, each year it will grow, and the money available under the budget and the caps therein will get smaller while in fact the demands for domestic program expenditures will grow.

I might add, Mr. President, this Senator is not down here saying that the discretionary domestic accounts of this Government can take huge new cuts.

I do not believe that is the case. In fact, I believe reality will show us that it is probably the only place we are cutting very much, and the only place we have cut very much in the last few years, other than defense, which has taken almost all of the cuts.

So all we are saying is that for the next 2 years—we are not even asking for 5 years—just use the President's budget numbers, even though this Senator thinks they are too low, and do not take any money from that for any other purpose of Government. If you want to underfund those numbers, put it into the deficit reduction package for this country; either use it for defense or lose it, and put it on the deficit. But do not let the pressures that are mounting on the domestic side prevent us from taking from the defense budget to pay for these other needs.

One might ask, is this merely speculative? Is Senator DOMENICI worried about something that is not real?

We are going to appropriate and permit the Secretary of Defense to spend on the defense of our Nation what is going to be substantially less than what the President asked for.

First of all—and we have not gotten anybody to try to make sense out of this—the Congressional Budget Office's estimate of what the President's defense budget appropriation requirement is is $3.3 billion in outlays below the President's request.

Let me put it another way. Everything we have appropriated for defense thus far, when this bill is finished, will

be $3.3 billion in outlays below the President's request. About $2 billion of that is because money has been shifted from nondefense programs, from defense to nondefense programs. The remainder of the difference is because of scoring differences and disputes between the Defense Department, OMB, and CBO; a very, very regrettable situation because it is truly very essential money that is being removed under the guise of scorekeeping and scorekeeping differentials.

I join my friend, Senator NUNN, who I am sure will talk more eloquently about this than I, although I have been in my position in the Budget Committee watching this defense issue. I truly believe the downward cuts in defense are already far too fast. I believe they are not the right thing to do in this dangerous world.

Second, I believe from the economic standpoint that we are cutting so fast that we are doing irreparable harm to some States and to thousands of people. While I know we are going to have reasons which cause defense to come downward each year, I believe we are moving far too rapidly both from the economic standpoint and from the standpoint of maintaining an appropriate defense.

President Eisenhower once said—he had a strange way with words—that "We should not make mistakes in a hurry." We surely should not make mistakes in a hurry when it comes to defense, and we clearly should not let the pressure of domestic needs take from a President's budget on defense, or from a defense that is agreed upon by the Congress in a budget resolution. We clearly should not let that happen. We would not let that happen any longer.

Perhaps the defense numbers are not to my liking. Maybe they are not to Senator NUNN's liking. But we are saying when the budget the President sends is adopted with those defense numbers, you have to leave them alone for 2 years. You cannot take money from it for anything else.

Mr. SASSER. Mr. President, I am not seeking recognition. I wonder if my friend will yield for one question.

Mr. DOMENICI. I will in a moment. I want to make sure Senator NUNN gets time.

Mr. President, I want to add as cosponsors Senators THURMOND, ROBB, and WARNER. I am sure there are others. They are aware that what I stated before is that we probably are not going to have a vote on this with a large number.

I want to close before I answer that question by saying Senator NUNN and I are not alone in this concern. The last time we sought a vote on this, we had the same problem. A point of order was raised, which under the Budget Act said you had to have 60 votes. That is my recollection. We did get 53 votes, which is clearly enough to change the law.

What we have not had is an opportunity to vote on this where there is a simple majority requirement, because of the technicalities in the Budget Act. We would have to go before the Budget Committee, have a hearing, and raise the issue there. That is what makes it nice to have our distinguished chairman here, who wants to ask me a question.

I will answer any question the Senator has. And if he does not mind, before he leaves the floor, maybe he can tell the Senator from New Mexico when we might have a hearing on putting the defense walls back. It would be interesting.

Mr. SASSER. Mr. President, for the purpose of asking my friend from New Mexico a question, the Senator from New Mexico mentioned the name of the distinguished American, former past President, Gen. Dwight David Eisenhower, in a speech, and referred to one of the statements, one of many wise statements, that President Eisenhower made during his career.

I wonder if my friend recalls the admonition that President Eisenhower gave at his farewell address to the Nation in which he warned the Nation of building a military-industrial complex, the danger of this military-industrial complex, the difficulty we would have in revising the allocation of resources to a military-industrial complex, and the difficulty we might have in dismantling it, should we get to that point?

Mr. DOMENICI. I am fully aware of it, Mr. President. I am also very confident—others may say to the contrary—but I am very confident that the distinguished and esteemed former general and President, if he were here today, would be far closer to the budgets submitted last year than to the budget submitted this year.

I just believe that you can make what you want out of a speech. But it seems to me, when you are talking about the world we live in and cutting defense as fast as we are, to suggest that former President Eisenhower would be on the side of cutting defense programs even more because he made a speech in which he concerned himself with using too much of our money for defense does not make much sense to me.

Perhaps the chairman will answer my question as to when we might have a hearing on this issue.

Mr. SASSER. Mr. President, frankly, I had not considered having a hearing on this issue. I will be pleased to accommodate my friend from New Mexico. But I viewed this issue as being dead.

In other words, we agreed in the budget negotiations and agreement in 1990 that we would oppose these walls, which had never been in place before, to my knowledge, or perhaps had been in place for 1 or 2 years before or during the Reagan years. But this was something totally new to segregate military funds from other funds for domestic purposes and hold them sacrosanct. And in view of the fact that that agreement has expired, and we agreed in that agreement that they would expire after 3 years and it would not be reinstituted, I saw no reason to hold hearings. And, frankly, I do not at the present time.

I have always tried to accommodate my friend from New Mexico, and will certainly take this under consideration if he feels very strongly about it. But I think this is an issue that probably is going nowhere.

Mr. DOMENICI. Mr. President, before I yield to my friend, Senator NUNN, let me state clearly for the Record that while the distinguished chairman—I appreciate the chairman's thoughts and what I might perceive to be a willingness to consider this. Frankly, I want to state that the Senator is right. When we went to the 1990 summit, we put in 3 years of walls so we would not take any more out of defense because we were cutting defense dramatically way back then.

We said that after 3 years, we will go to where the wall comes down, and we can decide right here in the appropriations process how much goes to defense and how much to take from the President's defense budget. But frankly, things have changed dramatically. I mean, we are now cutting defense $120 billion more than was contemplated then, No. 1. Second, the pressure for more domestic spending and more domestic programs, while everybody speaks of keeping the deficit down, is very different than it was when the "3 years for the walls, 2 years with the walls down" agreement was made. I believe it is time we take a real serious look at whether they should be there or not, in the interest of the future of our military men and women and what we want them to do and what we want them to be equipped with.

I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I thank the Senator from New Mexico for raising this issue and presenting this amendment for discussion and consideration by this body.

Mr. President, this amendment would establish separate caps on defense and nondefense—that is, domestic plus international—discretionary spending, similar to those that existed during fiscal year 1991–93.

These caps are consistent with the Defense funding levels we adopted in the budget resolution earlier this year. This amendment reinstates the so-called firewall between defense and nondefense discretionary spending for fiscal years 1994 and 1995.

Mr. President, I wish we did not need this kind of barrier. I hoped that we would reach a consensus on the need for a smaller and yet still strong Defense Department. The administration proposed deeper cuts than I would have preferred in the Defense budget this spring. I have discussed this at length with both President Clinton and Vice President GORE. They assured me they were committed to holding the line for a strong defense. I still believe they are personally committed to a strong defense.

This spring, I gave a speech on the Defense budget and offered an amendment expressing the sense of the Senate that the Defense budget should not be cut lower than the levels specified in the budget resolution, which was approximately the level President Clinton had submitted. This amendment was adopted by a 56–43 margin, but it did not have the force of law, again, because of the procedural situation in which we find ourselves on the Budget Act. Unfortunately, the fiscal year 1994 Defense budget already has been cut below the level we all agreed to in the budget resolution. The Senator from New Mexico made that plain, and he is 100 percent right.

In fact, the current total for Defense outlays—that is, the actual money expended within 1 year—in all of the Senate appropriations bills is about $3.75 billion in outlays below President Clinton's request, which is a level we agreed to, or thought we had agreed to, on the budget resolution.

The firewalls amendment that the Senator from New Mexico and I offered to the reconciliation bill in June would have prevented this, or at least a substantial part of this. A majority of the Senate—53 Senators—voted for our amendment, but the rules of the budget process required us to get 60 votes.

Mr. President, it is increasingly clear that a combination of forces, both within the Clinton administration and in this Congress, have caused the fiscal squeeze and the strong desire to fund other programs, and the combination of all of that, the fiscal squeeze and the strong desire to fund other programs, continues to erode the Defense budget substantially below President Clinton's proposal.

If we want to protect defense and maintain a strong national security, I believe there is no choice other than to reinstate the firewalls that have protected the defense budget for the past 3 years, while at the same time allowing substantial cuts in defense, provided they go to deficit reduction, rather than being shifted to other programs.

Mr. President, again, as I stated this spring, I believe Defense must contribute its fair share to deficit reduction, consistent with the threat we now face in the world. But for the last several years, Defense has been the only part of the budget where we have achieved any significant deficit reduction.

The budget summit agreement in 1990 was supposed to produce $500 billion in deficit reductions by 1995. We not only failed to reduce the deficit by $500 billion, but the deficit is expected to actually increase by $500 billion during this period, a total shortfall of $1 trillion.

Despite this, the Defense budget was cut just as planned in the 1990 budget summit agreement. All the Defense cuts were made as planned, but the rest of the savings have not materialized.

The discretionary part of the budget—because it includes both Defense and nondefense spending—has delivered its fair share of the savings. None of the other categories of the 1990 budget summit—entitlements, interest payments or revenues—have met their share of the savings required by the budget summit. In part, but only in part, this is because of the recession. It is clear, Mr. President, that the discretionary category is meeting its share only because Defense spending has been cut more than originally planned. Domestic discretionary spending has not been decreasing. Only Defense spending has been decreasing.

Defense continues to do more than its share of the deficit reduction in the Clinton budget. At a minimum—and I stress minimum—in my opinion, it is going to be much larger. The Defense budget is contributing 25 percent to overall deficit reduction, and that includes the tax increases—I think at least 40 percent. I think it is substantially more before we get through, in terms of 40 percent of the spending cuts in the reconciliation bill, even though the Defense spending overall is about 20 percent of our budget.

If Defense is cut even further to get the overall discretionary spending in the President's budget, under the new discretionary caps, the Defense share of the $500 billion in deficit reduction could be as much as twice as large as we are now projecting on paper. These are all cuts from the Bush Defense budget, which was already declining to reflect the end of the cold war.

Now people will say there were a lot more than Defense cuts in the recently enacted reconciliation bill. They will say entitlements are being cut, and taxes are being increased. That is all true, Mr. President. But that was also true of the 1990 budget summit agreement. The problem is in making sure that the other savings actually materialize.

I know there are a number of Senators who opposed the reductions in entitlement spending contained in the reconciliation bill. But I would point out that these largely are not budget cuts at all, but reductions in the increases. Most parts of the budget will not grow as much as their proponents want them to grow, and they call that a cut. But in Defense, the cuts are actually cuts.

Mr. President, over the next 5 years, even if the Congress does not cut Defense below the President's current 5-year plan—in other words, if we hold to the President's plan—we will spend $200 billion less on defense than we did in the last 5 years. This is not a baseline comparison; this is a comparison of the next 5 years with the previous 5 years. It will be $200 billion less on defense than in the previous 5 years. On the nondefense discretionary under the new caps in the reconciliation bill, those funds would be allowed to increase by $300 billion compared to the previous 5 years.

These numbers indicate the importance of the so-called baseline, which is, of course, the bible that we go by in the budget procedures here in the Congress. This baseline allows spending to increase compared to previous spending, while at the same time allowing a claim that a decrease has taken place compared to the baseline, because the baseline has built-in increases. In other words, you can plausibly claim that spending is going down when, in fact, spending is going up, but simply going up less than the baseline, which was already heading up.

All of the deficit reduction in the reconciliation bill was measured against the baseline with built-in increases, except the Defense cuts which were measured from the most recent Bush budget, which was, in effect, the baseline for Defense.

In other words, the Defense baseline was different from other baselines, and the Defense baseline was not going up; so the cuts in Defense were real, while the cuts in the other areas, the increase is simply less than in the baseline.

Mr. President, interest payments on the debt, for instance, even with low interest rates that we are blessed with now, would be $200 billion higher over the next 5 years compared to the previous 5 years. And, of course, this alone, just the increase in the interest on debt, compared to the previous 5 years, will cancel all of the Defense savings. That is the kind of fiscal plight we have today.

Entitlement spending would increase by $1.2 trillion during the next 5 years—not billion but trillion. About $440 billion of this will be in the self-financing Social Security Program. But even after the cuts in the reconciliation bill, Medicare spending in the next 5 years will be $400 billion higher than in the last 5 years. The Medicaid increase, just in the Federal share, will be $300 billion compared to the previous 5 years.

Mr. President, these numbers—the $200 billion increase in the debt over the next 5 years, the $700 billion increase in Medicaid and Medicare—if you see those increases, you begin to see why we cannot cut Defense enough to keep up with the increases in the other categories. The arithmetic just will not work.

Mr. President, I am prepared to accept reductions in the Defense budget. We have to have a defining Defense budget. We all know that. Whatever this Congress decides should be spent on Defense if the budget reconciliation should become the ceiling for Defense. That is the way our process works. But again, that is not what happened. In June, the Armed Services Committee held a hearing with the Deputy Secretary of Defense William Perry. Dr. Perry pointed out that there are a number of technical scoring problems that could cause the Congress to make deep program reductions in the fiscal year 1994 Defense budget.

The place where this problem really becomes visible is the allocation process where the Appropriations Committees take the funding assigned to them by the budget resolution and allocate it to the various subcommittees.

The House decided to cut the defense budget by $2.5 billion—and that is beyond the President's budget—and the Senate Appropriations Committee cut an additional $300 million on to that, for a total cut of $2.8 billion below the President's budget.

These reductions are in outlays, which means that far more has to be cut in budget authority in 1994. That is money that spends out over a long term rather than outlays that spend out in the fiscal year in question. Usually that ratio is you have to cut budget authority, particularly in procurement accounts three to four times as much as the outlays in order to generate the savings in the fiscal year in question.

Mr. President, the Appropriations Committee had reasons for their action. Two factors primarily contributed to the cuts imposed by the Appropriations Committee in the 602(b) process. The first factor is that the Congressional Budget Office reestimate of the defense budget submitted by the President. The second is the administration's overall budget submission which exceeded the spending caps over all discretionary accounts which includes defense but is not limited to defense. Those are the two primary reasons that we have seen erosion in the President's defense numbers.

CBO REESTIMATE OF DEFENSE BUDGET

As required by law, the Congressional Budget Office reestimated the administration's fiscal year 1994 budget proposals. CBO concluded that the defense budget had nearly $2 billion more in outlays than estimated by the administration. The primary source of this difference is that CBO assumed that the defense budget would not generate the $3.1 billion cash balances in the Defense Business Operations Fund—DBOF—anticipated in the fiscal year 1994 budget, and instead estimated DOD would generate only $1.5 billion.

What I cannot understand is that CBO went on to assume that the $1.5 billion that DOD would not raise would still be spent. DOD assumed that the $3.1 billion would still be transferred to the services' operations and maintenance accounts and spent, even though CBO assumed only $1.5 billion would be transferred to the O&M accounts from the DBOF. This does not make any sense.

Mr. President, usually there are some kind of scorekeeping disconnects, one or another contained in every year but not in the magnitude. In previous years, the CBO has called attention to the administration's use of outlay gimmicks. It happened in the Reagan years and Bush years. I am not saying CBO should not provide an honest reevaluation of the budget submitted by the executive branch. They should. The Budget Committees have final authority to resolve these technical disputes. But the Budget Committees have refused to consider these scorekeeping problems this year. And if things do not change, billions of dollars in defense programs will have to be eliminated to satisfy a technical scorekeeping dispute by CBO that relates to the so-called Defense Business Operations Fund, the OBOF.

To give just one concrete example of the effects of this scorekeeping dispute, the appropriations bill before us today cuts $5.2 billion from the administration's request for research and development programs. Members have not felt that yet. If it is a procurement program, immediately they feel it. They feel it in employment. They feel it in people getting in touch saying, what is happening? You do not feel it in R&D as quickly. Believe me, though, before this session is over, and certainly by early next year, the Members of this body are going to feel these research and development cuts that the Appropriations Subcommittee on Defense has been almost compelled to make.

In other words, these $5.2 billion cuts in R&D eliminating roughly 1 dollar in every 7, about one-seventh of the R&D budget that President Clinton asked for to keep our technological edge in an era where almost every major procurement program has been canceled.

On the other side of the coin, this bill adds $3.4 billion for an aircraft carrier that was not in the budget request or in any of the other three defense bills, although this aircraft carrier been made subject to authorization.

I thank the chairman of the Appropriations Committee, the Senator from West Virginia, for that because I think it does keep the overall framework between authorizing and appropriators that we have agreed to, and I commend him. He is on the floor now. I commend the Senator from West Virginia for that.

Mr. President, I want to just show, and I am not sure the people can grasp this, but I know the people who keen up with the numbers can, I think it is important that all of us start focusing on what is really happening with this budget process, why was the Appropriations Committee able to add an aircraft carrier at the cost of $3.4 billion that was not in the President's request when we have a declining defense budget?

Mr. President, to put it simply, when we have a scorekeeping dispute that has dictated the outcome of what should be a policy debate about whether to buy an aircraft carrier and when to buy it—but that policy debate is not what is dictating this. It is being dictated by the scorekeeping element of the budget process. The carrier is in this bill and in no other bill at this stage—although the House has a portion of the funding—because this bill cuts the research and development accounts, which are fast spending money, in order to hit an outlay target. By cutting R&D that basically allows the appropriators to meet the outlay target, but it creates extra budget authority that can be used up. So that extra budget authority is what enables them to buy a new aircraft carrier because the aircraft carrier has very few outlays in the first year. In other words, you start an aircraft carrier, but do not spend much money in the 1st year. It takes 7 years to build it. Most of the money is spent in the 2d, 3d, 4th, 5th, 6th, and 7th year. It has very little outlay impact the 1st year.

Ironically, though, anyone looking at the budget would realize the aircraft carrier will have outlays in future years, we are going to have this outlay problem every year for the foreseeable future.

So in the name of making this year's outlay problems better, next year's outlay problem and the years after are being made worse. We may need the aircraft carrier next year. The administration plans to buy an aircraft carrier next year. And I certainly may support this. But this is a budget-driven decision, and I understand why the appropriators did it. They had their good reasons, but this budget-driven decision I think demonstrates the ultimate absurdity where we are in the defense budget process now.

We buy a $4 billion aircraft carrier in fiscal year 1994, which will increase spending over the next 7 years because we have an outlay squeeze this year. I guess you could deduct from that if the squeeze gets any tighter we may have to buy two aircraft carriers. It just is not a sensible way to deal with the budget.

Mr. President, that is what we are dealing with. We are dealing with a defense budget that is almost totally outlay driven when defense accounts spend out over 2 years 3 years, 4 years, 5 years, 7 years, and if we do not change this process, then we are going to have absurd decisions made by this body and

by the House that are almost totally driven by the budget process.

Mr. President, the second factor causing the Appropriations Committee to cut the defense budget outlays originated in the Clinton administration's own budget proposal. As I pointed out this spring, the administration's budget that they submitted to Congress exceeded the allowable spending cap for fiscal year 1994 in the discretionary accounts by $5.7 billion. That is in the discretionary accounts again. For people who do not follow the arcane labels here in the budget process, discretionary spending includes defense and also nondefense domestic discretionary and does not include the entitlement programs. This is not just a fiscal year 1994 problem. This is part of the problem this year, but it is going to get worse and worse.

Discretionary spending in the administration's 1994 budget, if you project it over 5 years, their 5-year budget exceeds the caps by $75 billion—$75 billion. The Budget Committees assumed that most of these savings would come from slowing down the President's investment proposal. I am not sure there is consensus on that with the executive branch, but that is the basic assumption.

I have seen this process long enough to know where I think it is headed. I want to caution my colleagues who are concerned about our defense capabilities that because of this outlay problem to the tune of about $75 billion there is going to be enormous pressure to try to get these extra cuts out of defense, each and every year, and that will be below the Clinton budget that is already coming down below the Bush budget when he left office.

Mr. President, there is a train wreck coming in defense. It is obvious to all who look beyond the rhetoric and get down to the numbers. The train wreck is coming.

I am especially concerned about the prospect of additional cuts because, in my view, the current defense program is already underfunded based on the Bottom-Up Review and based on what the Secretary of Defense assumed we would have to have in the way of capabilities to meet our contingencies around the world.

The Defense Department has just completed a several months' long review called the Bottom-Up Review in order to hit the $120 billion defense spending reductions that were projected and mandated by the Clinton administration. They came up $13 billion short in their own review.

(Mrs. MURRAY assumed the chair.)

Mr. NUNN. This shortfall of $13 billion does not include the cost of funds for pay raises for the military and civilian personnel that are required under current law. The President has proposed sharp reductions in these pay raises, but the Congress rejected that approach this year not just for the military but across the board. The Congressional Budget Office estimates the cost of the military and civilian pay raises for DOD under current law to be about $23 billion over the next 5 years over and above what had been assumed in the President's budget and also assumed in the Bottom-Up Review.

Earlier this year, when I raised this issue with the administration, I was assured that if the proposal to freeze pay was rejected across the board, not just for one agency, money would be added back to reflect that policy change, so that the defense budget would not have to eat this $23 billion, in effect, taking it out of either procurement or R&D or operation and maintenance.

The reconciliation bill did exactly what I had feared and projected, and that is it rejected the pay freeze for military personnel and for civilian personnel. Now there were good reasons for that decision. But the impact on the defense budget, unless adjustments are made, is going to be very significant and very damaging, because the discretionary caps in the reconciliation bill made no allowance for this fact. In effect, the reconciliation bill imposed these additional costs of $23 billion on the Defense Department, which is precisely the opposite of what I had been assured would occur.

Madam President, I am led to the obvious conclusion that there is no other solution—and this is not a complete solution, it is a partial solution—there is no other solution, even partial solution, than to reinstate the separate spending caps—the firewalls—for defense spending and nondefense spending. Reinstating the firewalls does not—and has not and will not—prevent the defense budget from being cut, and it should not. There should be no budget that is sacrosanct, no budget that cannot be cut.

In each of the 3 years we had firewalls, the defense budget was cut below the cap allowed by law, but the money went to deficit reduction. In fiscal 1991, defense outlays were $11 billion below the cap; in 1992, defense outlays were $9 billion below the cap; in 1993, defense outlays were $8 billion below the cap. But that money went to reducing the deficit. It was not taken and put in other spending accounts.

This amendment would not make up the $13 billion Secretary Aspin has identified in his review. It would not make up the $23 billion related to the pay increase over 5 years. What it would do, in my opinion, is help prevent the defense erosion that is already occurring from getting worse and worse and worse. It would remove the incentive—the incentive, which is a strong incentive in this body—to cut the defense budget quietly through arcane legislative and budgetary maneuvering. It would put real discipline on the nondefense elements of the discretionary budget, since, if it comes in over the nondefense cap next year, the excess would not be able to be funded through deeper reductions in the defense budget.

Madam President, this amendment that is being proposed by the Senator from New Mexico and myself supports President Clinton's defense budget. I believe, as I have said, that the President is committed to a strong defense. Unfortunately, however, forces at work in the Congress and in his own administration, as well as the fiscal pressures, have already significantly undercut his budget number in defense, and more changes are on the way; more changes are on the way.

Madam President, in recent years the defense budget has subsidized the Coast Guard's operating budget—and there is some reason for that, because the Coast Guard does play a crucial role in protecting our own shores. It has paid for the National Science Foundation research in Antarctica; funded breast cancer research at the National Institutes of Health; paid for foreign aid to Jordan; built a parliament building for a foreign country; and paid for noncompetitive, earmarked grants to a few well-connected colleges and universities. Too many people in this town have come to regard the defense budget as a piggy bank to draw on whenever they run short of money.

Madam President, we continue to need a strong and ready defense establishment. We have American soldiers, sailors, airmen, and marines in combat conditions flying watch over southern Iraq; we have them in Korea on the DMZ; we have them in Europe; we have them patrolling off the coast of Bosnia and enforcing the no-fly zone; we have them in Somalia; and there is some talk of having them shortly in Haiti, and they are already, of course, around Haiti on these ships.

American forces around the world are operating in combat conditions in order to help promote peace. We must have ready forces. But the readiness of these forces is seriously threatened by these outlay problems that we are talking about today, and by the overall defense cuts.

Madam President, I give great credit to Secretary Aspin and Deputy Secretary Perry for their commitment to avoid a return of a hollow military. But there has to be wake-up call, and that wake-up call, I think, is being sounded again—not the first time—here today. That wake-up call says, in effect, that the readiness of our military forces is being threatened by these cuts that we are being forced to make and by the diversion of funds to the nondefense programs.

Madam President, it is not just readiness. It is also our technology base. We have the world's best technology. We are on the cutting edge. We are beginning to erode that. We are making very

severe cuts in research and development in this bill. I understand full well why the Senator from Hawaii and the Senator from Alaska have had to make these cuts. This is in no way a criticism of them, because they have met the outlay totals that I have described and they have had to do that under the budget resolution.

Madam President, our U.S. military forces are not capable of carrying out the tasks assumed in the Bottom-Up Review with this kind of eroding defense budget. We are either going to have to adjust the resources, or we are going to have to adjust our expectations of what our military will be able to do, because the two are going in the opposite direction. Resources are heading down; expectations are heading up.

Madam President, we are developing, slowly but surely, we are developing a mismatch between our strategy and the resources available to the military to carry out that strategy, and we are also developing a mismatch between our commitments and our capabilities.

Madam President, a lot of people do not realize how much the defense budget has come down, especially compared to the rest of the budget. When the budget agreement expires in 1998, defense spending, even if there are no further cuts from the President's plan, will be $253 billion, compared to $291 billion in 1988.

Over the same 10-year period, nondefense discretionary spending would increase from $174 to $294 billion. Entitlement spending would double from $494 billion to $1 trillion. And interest on the debt will go up from $150 to $250 billion. Within that doubling of entitlement spending, the increases in health care costs are particularly alarming. Medicare nearly triples, from $86 to $239 billion, while Medicaid spending quadruples from $31 to $139 billion.

For those who are more familiar with baselines, this year's defense budget is about $230 billion in 1990 dollars, if you want to compare it to the $300 billion budget we had at the end of the cold war before the 1990 budget summit. Over 10 years, the savings from that agreement alone, as embodied in the previous administration's base force, were $600 billion. And by the year 2000, the additional savings from bottom up review force cuts will be another $350 billion. That is a total defense cut of nearly $1 trillion over the course of the 1990's, compared to the level we entered the decade at, which was already far below the level of defense spending at the height of the cold war.

Madam President, I commend my friend from New Mexico for sounding the wake-up call. The Domenici-Nunn amendment would protect the administration's defense spending plans from even deeper cuts by those who would shift these funds to other sources. It certainly would not protect the defense budget from reductions to meet the deficit.

It would also remove the incentive for those who would risk the kind of defense we must have, to use the defense budget for other purposes.

Madam President, I think it is very unfortunate that the rules of the budget process prevent us from being able to pass an amendment of this nature, which I think is crucial, by a 50-vote margin, because I think we would have 50 votes here. I believe we would have 50. I do not have an exact count; have not tried to get one. But I do not think we have 60 votes.

I do think, though, it is important for our colleagues to begin thinking seriously about this, because it does not take any kind of genius or any kind of brilliant analysis to figure out where we are heading. We are heading for that kind of mismatch between strategy and resources and between capabilities and commitments. That is a road we have been down before. Every time we have gone down it, it has cost this country not only dollars in trying to make up for what happened in the past, it has cost this country precious lives.

Madam President, I yield the floor.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Madam President, I have listened carefully to the remarks offered today by the distinguished ranking member of the Budget Committee and also by the distinguished chairman of the Armed Services Committee.

I might say that I share their concerns about the need for adequate resources for the military establishment of this Government. But, I do not believe I can accept the solution that they feel might be necessary at some point in the future, and that is reinstating the walls between the military and nonmilitary discretionary spending.

Military spending and nonmilitary spending are lumped together as discretionary spending. The appropriations committee and the Senate as a whole makes a determination as to the allocation of this discretionary spending between the military and other nonmilitary discretionary items.

The presence and the duration of the walls was the subject of considerable debate at the time of the budget negotiation. And 2 years ago, on the floor of this body, I warned my colleagues that we were entering into a critical phase and that there was going to be a train wreck between these budget caps and budget outlays in the outyears. And I told my friends on the other side who were interested in military spending, and those on this side, that we had to do something about these very costly military projects being put into the budget now which create these bow waves in the outyears. Let us do something about them now so we do not have the train wreck 2 years down the line.

A majority of the Senate did not listen—or disagreed would be the better explanation. A majority of the Senate disagreed with my views and we went ahead and funded programs like the F-22, the C-17, heavy spending for the strategic defense initiative, the B-2 bomber. The list goes on and on and on. Even though we knew that in the outyears, if the budget caps remained in place, we were not going to be able to hit those caps without cutting fast-spending items—and that meant R&D, that meant readiness, that meant personnel.

So now we are at that point and we are hearing complaints now that this is the fault of the budget process. There is something wrong with the way we have done these calculations. If we reinsert these walls, we will not have these problems.

During the negotiations leading up to the budget agreement, there were many of us, including this Senator, who felt there should be no walls at all. We argued that there should be no walls at all. But we were in the minority, and there were many who argued, on the other side of the aisle, that walls should be included through 1995.

A bipartisan compromise was struck. Walls were established through 1993. This is a very unusual process; to arbitrarily and artificially segregate accounts within the overall discretionary spending, segregate military, segregate domestic, segregate foreign operations. To my knowledge, this had not been done in statute before, but it was done for 3 years, and we found that the moneys that had been set aside for the military establishment which they said were absolutely necessary they were returning back to the Treasury. They were not even using all of them.

The compromise, though, was widely supported by Members from both parties. It has withstood numerous challenges over the last several years. Prior to the current fiscal year, the staunchest defenders of the budget agreement have been the proponents of large military budgets because they had walls in place to make those military funds sacrosanct while the domestic discretionary needs of the country were crying.

Now, despite the fact that the cold war ended shortly after this budget agreement of 1990, defense spending continued to receive special treatment and special protection. The walls between military and nonmilitary spending prevented the U.S. Senate from adjusting this Nation's fiscal priorities in light of dramatic changes that occurred since the budget agreement was adopted. At that time when we were trying to take down the walls, those who are trying to reinstate them today were not complaining about the budgetary point of order that required 60

votes to take them down. They seemed to think that was satisfactory in those days and utilized the budget point of order and requirement of 60 votes to keep the walls intact.

But now there is a complaint that it takes a 60-vote point of order to overcome the budget agreement, and to reinsert the walls after they have collapsed.

According to the Congressional Budget Office, President Clinton's budget proposed $278.8 billion in military spending for fiscal year 1994, and $1.314 trillion for the period 1994 to 1998. President Clinton's fiscal year 1994 military spending proposal for $279 billion, in constant 1994 dollars is nearly $30 billion more in constant dollars than we were spending in President Carter's term in office and nearly $50 billion more in constant dollars than we spent during the Presidencies of Richard Nixon and Gerald Ford.

Let me make that point again so my colleagues will understand. The $279 billion in constant 1994 dollars is $30 billion more, in constant dollars, than we were spending during President Carter's term in office and $50 billion more than we were spending, in constant dollars, corrected for inflation, during the Presidencies of Richard Nixon and Gerald Ford.

The only difference beyond the fact we are spending more in constant dollars than they spent is that the Soviet Union has collapsed. The evil empire is no longer there. The Soviet Army, once the largest on the face of the Earth, is no more. No longer are tens of thousands of Soviet tanks threatening our friends in Asia and in Europe. No longer are Soviet ships and submarines cruising every major body of water in the world. In short, there is no military superpower on the face of the globe other than the United States of America. Yet we have complaints that we are only spending $50 billion more on the military establishment today in constant dollars than we did when President Nixon was in office.

Examples of the completeness and permanence of the Soviet collapse are everywhere. It has been well over a year since it was publicly reported that the once vaunted Soviet Navy—some said the world's largest navy—had recalled all of its service combatant ships because of fuel shortages, low morale, and uncertainty about what orders to follow; indeed, in the case of the Black Sea Fleet, uncertainty over who really owns or commands the navy.

The Central Intelligence Agency reported that the countries of the former Soviet Union have sharply cut their military spending and have lost the will and much of the ability to attack the United States and its allies. Funding for new weapons system procurement in the old Soviet Union, or in the Russian federation, now, have been cut by 80 percent—80 percent.

The Iuzhmash factory in the Ukraine, once the flagship of the Soviet military-industrial complex, has turned its attention away from producing SS-18 strategic missiles and is now manufacturing sausage-making machines. At this same factory, unfinished SS-18 booster shells are being transformed into farm granaries and trolley buses.

So, as you see, the Soviet collapse is almost complete. The events of recent weeks in Moscow make it unimaginable that we could see any return to Communist control of Russia and the re-emergence of any entity even remotely resembling the former powerful Soviet Union. Yet we continue to lavish money on the military, as if this were not so.

The proponents of bringing back the budget walls are essentially arguing that we should continue in this fashion indefinitely, without debate or without letting the Senate have the option to align Federal resources with national problems.

The argument we are now hearing so frequently on the military budget is that spending cuts will cost jobs. In many instances, the military budget has become chock full of military pork barrel, and it is often nothing more than highly expensive jobs projects.

Madam President, 3 years of this artificial protection of the so-called walls have produced 3 years of artificially high levels of military spending and 3 years of continuing the neglect of our domestic problems. The proponents of reinserting or rebuilding the budget walls are now arguing that 3 years of these misplaced priorities are not enough.

I know the hour is late, and I do not want to unduly discommode my colleagues here, but to argue that artificial walls between military spending and nonmilitary spending are necessary because the President of the United States and the duly elected representatives of the people who constitute the Congress of the United States cannot be trusted to accurately assess our domestic and security needs and make rational judgments about how our scarce Federal resources can best be allocated is a strange argument, indeed.

The proponents of budget walls assert that without the protection of these walls which, in this Senator's opinion, serve to artificially inflate military spending, Congress will unwisely transfer tens of billions of dollars from defense to nondefense programs. The record simply does not support these fears, Madam President.

As I noted above, the President requested $278.8 billion in military spending for fiscal year 1994—the first year without the budgetary walls. What has Congress done with this request? Did we gut national defense military as the supporters of reinstituting budgetary walls profess to fear? Did we fail to adequately support the military spending recommendations of the President and the Secretary of Defense? This body, largely through this very bill some now seek to amend, would provide the Pentagon with nearly $276 billion or 99 percent of what the administration requested.

To the supporters of bringing back the walls I ask where is the wholesale reallocation of resources from defense to nondefense which they have been warning this body about for several years now? It has not happened this year, Madam President, and I predict it will not happen next year either. This body has been elected to make just these kinds of decisions. The remedy being considered by the distinguished ranking member of the Budget Committee and others is artificial at best and would cure a problem which has yet to manifest itself.

Year in year out this body has heard the protectors of large military expenditures complain that the spending target has been set so low as to be unreachable without massive dislocations of our military personnel and our defense industry and increased threats to our national security. And yet, the defense appropriations committee is able to annually meet these same unreachable levels and does so without precipitating any of the catastrophes that have been predicted. In point of fact, the budget before us continues to fund several cold war relics leading this Senator to conclude that still deeper cuts are possible. Perhaps the most egregious example of this is the fact that the bill before us supports 12 aircraft carrier battle groups—the number deployed by the United States during the heart of the cold war—and contains over $3 billion for the purchase of still another carrier.

I would argue that 3 years of artificial protection is more than enough and that the budget agreement that was protected so vigorously by proponents of military spending over the last 3 years should be just as vigorously observed over the next 2. Moreover, we should learn the lessons of the past. We should preserve our fiscal flexibility to react to changing circumstances for 1996, 1997, and 1998 as well.

I simply want to say that I will stringently oppose my distinguished friend's amendment if it is to go forward—it is my understanding that it may not—this evening.

In that view, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I find myself in somewhat the same circumstances as have been described by the very distinguished Senator from Tennessee [Mr. SASSER], chairman of the Committee on the Budget. It is my

understanding that the amendment will not be pressed to a vote. It has been well aired, in my judgment.

The distinguished Senator from Tennessee has ably defended against the amendment. I would, of course, take time if there was an effort to press the amendment to a vote.

Madam President, I oppose the amendment offered by the distinguished Senator from New Mexico [Mr. DOMENICI] because I think both the President and the Congress need the flexibility to set priorities to respond to rapidly changing circumstances, and the pending amendment would rob us of that flexibility. I am somewhat surprised that the senior Senator from New Mexico continues to pursue a restoration of the inflexible discretionary caps that were in place for fiscal years 1991, 1992, and 1993. I know that Mr. DOMENICI is a very strong advocate for increased infrastructure spending for the State of New Mexico, as well as for the entire Nation. So I am amazed that he would offer an amendment that would further tie the hands of Congress and the President in meeting our domestic infrastructure needs over the coming years.

As part of the negotiations on the 1990 budget agreement, I reluctantly acceded to the establishment of the "walls"—three separate categories of discretionary spending: national defense (function 050); international affairs (function 150); and domestic. Each of the categories had separate caps for budget authority and outlays for fiscal years 1991, 1992, and 1993.

During those budget summit negotiations, the Bush administration held most of the high cards. In the absence of an agreement, the August 1990 "Initial OMB Sequester Report to the President and Congress for Fiscal Year 1991" projected a potential October sequester of $105.7 billion. If we had not been able to get an agreement with the White House, discretionary programs would have borne the brunt of virtually all the cuts mandated under the then current law. That potential sequester would have required a uniform percentage reduction of 43.6 percent in defense discretionary programs and of 40.7 percent in nondefense discretionary programs.

I agreed to the separate caps during those negotiations in which the Bush administration wanted to protect its priorities of defense and foreign aid spending, and I, in an effort to address our infrastructure deficit, wanted to increase and protect that domestic discretionary spending. I agreed to those caps, and then I defended them as if they were my own.

One lesson we should have learned from our experience with the three caps is that we cannot predict the future. In the summer of 1990, the Warsaw Pact posed a significant threat, the Soviet Union had not dissolved, and Iraqi troops had just overrun Kuwait. Those circumstances were vastly different from what we face today. Conversely, the collapse of the Soviet Union has greatly increased the need for domestic infrastructure spending, in part, to compensate for the reductions in the defense sector of our economy.

Although I cannot know the future, I am able to make some reasonable guesses about what would happen if we were to go back and reestablish the caps. My first guess is that the proponents of this amendment would argue that nuclear weapons cleanup is a defense (function 050) issue not an environmental (function 300) issue. Second, they would argue that conversion of facilities and activities from defense to nondefense uses is a function 050 activity. Third, they would argue that certain peacekeeping activities, traditionally funded as nondefense activities, should be reclassified as Department of Defense (function 050) activities.

How can I predict these things? I can, because that is precisely what happened over the past several years.

First, an ever-growing portion of the Department of Energy "atomic energy defense activities" account, previously used to fund nuclear weapons development and production, is now devoted to environmental cleanup and waste management. In fiscal year 1990, total appropriations in this account for environmental cleanup were less than $2 billion. In the pending administration request, that amount has grown to $5.4 billion.

Second, the defense authorization bill last year authorized spending of some $1.5 billion as defense conversion, reinvestment, and transition assistance funding. The authorization covered activities as varied as participation of discharged personnel in Upward Bound to grants to colleges for training in environmental restoration. These may be meritorious activities, but they are, arguably, nondefense activities.

Third, just last month the Senate, in a bipartisan effort, and in conformance with the administration request and House action, appropriated $979 million in supplemental funds to the Department of Defense [DOD] "Operation and Maintenance, Defense Agencies" account in the fiscal year 1994 Foreign Operations appropriations bill. These funds were provided for assistance to the former Soviet Union. But for the Nunn-Lugar initiative established in the fiscal year 1992 DOD authorization bill, this funding might reasonably have been construed as international affairs (function 150) rather than national defense (function 050) funding. As recently as the conference on fiscal year 1993 supplemental, the senior Senator from New Mexico was seeking to have international peacekeeping activities, traditionally funded through appropriations made by the subcommittee on Commerce, Justice, and State, the Judiciary, and related agencies, funded by the defense subcommittee.

We found ourselves in the position of seeking to solve international problems by appropriating dollars for peacekeeping activities, rather than dollars for more military hardware and research. Under the rigid walls in place in fiscal year 1993, we were unable to provide all the requested peacekeeping funds, and yet, there remained more than sufficient funds within the 050 cap for war making. Nitpicking about budget classifications, and whether language meets the terms of certain budget categories kept us from providing international peacekeeping funds. All this is to say that it is just not practical for us to establish our priorities through an inflexible, multiyear budget cap and still maintain our ability to respond to rapidly changing domestic or national security circumstances.

The previous administration, while opposing the removal of the walls, sought to get around them by selectively reclassifying spending as "defense" that otherwise was classified as "domestic" in order to make room for its priorities. To the extent we return to separate categories, Congress will be beholden to the bureaucrats at OMB or the political exigencies of the White House in determining what is a "defense" expenditure.

Continuing to set these arbitrary inflexible caps is really an abdication of our responsibilities as the people's elected representatives. It is an attempt to circumvent the responsibility of passing human judgment on our national spending priorities and instead "game" the process in favor of certain favored agendas.

It was a useful tool in getting to an agreement which allowed this Nation to move ahead and avoid a devastating sequester. But its time has come and gone and we need to let it go.

In sum, Madam President, the experience that we have had under the 3 years of walls between discretionary spending categories should have instructed us not to shortchange our flexibility in the light of the rapidly changing requirements. Do not be misled into thinking that this amendment will lead to a protected pot of funds for critical national defense spending. I have already demonstrated that it will not.

Each dollar of spending should be subjected to the same scrutiny—whether it be for defense or any other category of spending. By setting up separate categories of discretionary spending, you will guarantee that will not happen. Instead, we will be voting to return to arbitrary, inflexible discretionary caps. The adoption of such an

amendment will mean that we have gone completely process crazy around here.

I thank my friend from Tennessee [Mr. SASSER] for his very, very careful and able defense against the amendment.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I am going to withdraw the amendment very shortly. I understand Senator LAUTENBERG is on an early time fuse, and so is a Senator on this side.

Let me make two points. First, to my good friend, Senator BYRD, I much appreciate his accommodating the rest of the Senate tonight. I do not think I spoke too long. I hope I did not. But I do think that he understands because he is a man with great convictions. He understands that we have some very serious convictions about this.

I am not proceeding because I do not think we have 60 votes tonight. But clearly the distinguished chairman of the Appropriations Committee knows I am not going to give up on this cause for some time.

Let me just say, I have great respect for the chairman of the Budget Committee, but let me offer for the RECORD one thing to think about. When the chairman says the combined budgets of President Ford and President Nixon were less than the increase of $50 billion—whatever the number—let me remind everyone that it was a lot cheaper to have an American military in those days than it is now because the entire force, absent the officers, were not volunteers, they were conscripts; they were paid very little money.

What we have to pay just to maintain the men and women now approaches 50 percent of the defense budget. I do not have the number of what it was back in those days, but I will put that in the RECORD just so everyone will know it was a fraction of that—my guess is maybe a third, less than half—which means we are surely not comparing apples and apples, but something different.

Madam President, I withdraw the Domenici-Nunn amendment at this point.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 1068) was withdrawn.

Mr. DOMENICI. I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. LAUTENBERG. Madam President, I ask unanimous consent that a legislative fellow in my office, James Marsh, be allowed the privilege of the floor during debate on the pending legislation.

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

AMENDMENT NO. 1079

(Purpose: To strike out the appropriation for the Army for the National Board for the Promotion of Rifle Practice)

Mr. LAUTENBERG. Madam President, I send an amendment to the desk on behalf of Senator SIMON and myself, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself and Mr. SIMON, proposes an amendment numbered 1079.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 16, strike out line 19 and all that follows through line 12 on page 17.

Mr. LAUTENBERG. Madam President, I refer a question to the managers of the bill because I do not think it has been clear that we have established a half hour evenly divided; is that reflected in the agreement?

Mr. INOUYE. Madam President, if I can respond, the unanimous consent request calls for 30 minutes; 15 minutes under Senator LAUTENBERG's control and 15 minutes under our control.

Mr. LAUTENBERG. I thank the Senator.

Madam President, this amendment is fairly simple. It would eliminate funding for a program called the Civilian Marksmanship Program. It would save the American taxpayers $2.5 million a year, and it would end one of the most outrageous examples of wasteful expenditure in Government.

The Civilian Marksmanship Program operates through a system of affiliated clubs and other organizations. It also sponsors shooting competitions. As part of these activities, the program donates, loans and sells weapons, ammunition, and other shooting supplies.

I want to be clear, I do not object to training in marksmanship or shooting competition. I do not object to target shooting. It is an accepted sport and I am sure that lots of people enjoy it. But I do object to having the American people pay for it. I do object to subsidizing, through Federal funds, what is a private activity conducted for personal pleasure.

The program is, to put it bluntly, nothing more than a "firearms freebie."

Let us look at how this program got started.

It was begun in 1903, soon after the Spanish-American War. Back then, some Federal officials were concerned that recruits for that war often were unable to—to use the expression—shoot straight. The officials believed that a trained corps of civilians with marksmanship skills would be useful to prepare for future military conflicts.

Madam President, that may have made sense in 1903. But this is 1993. The Spanish-American War ended 90 years ago, and things have changed.

Today, as documented in a report by the General Accounting Office, the Civilian Marksmanship Program has limited military value, at best.

As Pentagon officials told the GAO, there are no Army requirements for civilians trained in marksmanship. Unlike the situation in 1903 and in the Spanish-American War, today we have well-trained Reserves and National Guard forces, and we have advanced high-technology weapons systems. The military does not need a ready supply of ordinary civilians who know how to shoot a rifle.

Even if we did need such a corps, the firearms freebie program does not give us one. No system is in place that tracks the program-trained personnel, and the program is not part of the Army plan for mobilizing forces in an emergency.

Further, the General Accounting Office found that over half of all of the program participants are over the age of 26 years, which is considerably older than most new recruits for the military.

The bottom line for the GAO, Madam President, is that the program just has little military value. It is really welfare for recreational shooters.

At a time of rising budget deficits, that is an unjustifiable and outrageous use of scarce resources. After all, training young people to play baseball is a nice thing to do, but the Government does not subsidize Little League. We do not give children free baseballs. Why should we give them free bullets?

Maybe some believe that guns are more American than baseball. I do not.

Madam President, Americans are deeply cynical about the Congress. They think we are controlled by narrow special interests and that we are wasting taxpayers' money on useless boondoggles. A program like bucks for bullets only reinforces that image.

It also makes people wonder about our priorities. After all, how can we close military bases and lay off thousands of defense workers while subsidizing recreational gun clubs? How can we fail to fully fund Head Start while passing out free bullets to school kids? How can we omit funds for people unable to afford a college education and spend millions teaching kids how to shoot?

Where is our sense of priorities? For that matter, where is our common sense?

Madam President, the freebie firearms program is an absolute outrage. It is time to kill it once and for all. This is not the way to spend taxpayers' hard-earned dollars. If we cannot stop a program that gives free bullets to kids, how can we ever claim to be serious about ending waste in Government?

Madam President, my amendment is endorsed by the National Taxpayers Union and by the Council for Citizens Against Government Waste. I would also direct my colleagues' attention to an editorial in Monday's New York

Times that explains why this is such an unjustified boondoggle. A similar editorial appeared in the Washington Post a few weeks ago.

I ask unanimous consent that copies of these editorials and a letter endorsing my amendment from the Council for Citizens Against Government Waste appear in the RECORD.

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

COUNCIL FOR CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, October 6, 1993.

Hon. FRANK LAUTENBERG,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG, on behalf of the 550,000 members of the Council for Citizens Against Government Waste (CCAGW), I am writing to endorse your amendment to the Defense Appropriations bill to eliminate the funding for the Civilian Marksmanship Program.

This program is like the Energizer Bunny—it just keeps on going and going. As you know, this program began in 1903 because the Army discovered that its recruits marksmanship skills were deficient. Today, the Army sends each recruit through basic training which includes intensive sessions on the rifle range, ensuring that each recruit has competent marksmanship skills. The Army's skills development, however, does not stop after basic training. All soldiers receive advanced individual training for the job they will have during their enlistment. For front line troops, this involves continual marksmanship training.

If this civilian training was as valuable as its proponents claim, the Army would no doubt keep track of those who have received the training. They do not. CCAGW believes it would be more efficient to either save these funds or provide our front-line troops with more training. Whatever is done, this program is another example of government waste and should be eliminated.

Sincerely,

TOM SCHATZ,
President.

[From the Washington Post, Sept. 23, 1993]

FREEBIE GUNFIRE FOR CIVILIANS? NO

It may have had some merit 90 years ago, but why on Earth are taxpayers still picking up the tab for a federal program that gives away 40 million rounds of ammo and supplies firearms for civilians for marksmanship competitions? Barring some last-minute change of heart and House rulings, yet another Defense Department authorization bill will include $2.5 million for an outmoded, wasteful gun-game operation called the National Board for the Promotion of Rifle Practice. This board underwrites an Army program known as the Division of Civilian Marksmanship, which in turn subsidizes recreational shooting by civilians.

The National Rifle Association's leaders can come up with all sorts of explanations of how valuable this program is, and they do—the program's affiliated clubs also have ties to the NRA. You don't have to join the NRA to participate, they always hasten to note, emphasizing how important the program is as a recruiting and training tool for the military. But a GAO report in 1989 found that 53 percent of the participants were over 26—older than most people who join the Army.

Three years ago, GAO Army Issues Director Richard Davis told the House Armed Services subcommittee on readiness that "if usefulness is defined as a measurement of whether or not this program contributes to the military preparedness of the United States today, then I would say that the Civilian Marksmanship program is of limited value. . . . If the program were justified on some other basis, maybe our assessment of its value would change."

There was an effort in the House this week to add an amendment that would eliminate money for the program, but yesterday word had it that the amendment would be not be allowed a floor vote. Still, if enough members of Congress recognize this program as the boondoggle it is, they could drop any appropriations for it anyway. It's long past time to get on this case and put a stop to the firearms freebies.

[From the New York Times, Oct. 18, 1993]

THE DEMOCRATS' BIG GUNS

The party of Bill Clinton is an aggressive and confident party, willing to confront its foes," said David Wilhelm, the chairman of the Democratic party, in a recent speech, declaring Democrats' willingness to do battle with powerful interest groups like the National Rifle Association.

Good for Mr. Wilhelm. But the party's boldness disappeared late last month when key House Democrats helped defeat an amendment to end the Army's Civilian Marksmanship Program—a pet N.R.A. boondoggle. Indeed, the sponsor of the amendment, Representative Carolyn Maloney, Democrat of New York, had to fight some Democratic leaders just to get her motion to the floor for a vote.

The program was established after the Spanish Civil War, when the Army found that too many recruits didn't know how to shoot. It may have made sense in 1903, but such a program has no military value in the modern world of high-tech weaponry and well-trained reservists. The Army concedes this point.

Today, the program exists to give away 40 million rounds of ammunition for recreational target shooting, and otherwise subsidize marksmanship competitions among gun clubs with ties to the N.R.A.—an unjustifiable agenda on either military or budgetary grounds.

Supporters of the program argue that it helps teach gun safety to children. That may be. But nothing stops the gun clubs or other groups from sponsoring such activities. A program that tried to teach kids to avoid guns altogether would have a better case for Federal funding, given the nation's pressing problem of guns and violence.

In the end, Ms. Maloney's amendment failed by a vote of 242 to 190, with three top House Democratic leaders—Richard Gephardt, the majority leader, Steny Hoyer, the caucus chairman, and Vic Fazio, the caucus vice chairman—voting to perpetuate the giveway.

In the context of the whole Federal budget, the program's $2.5 million price tag is small. But as a test of Democratic resolve to cut wasteful spending and buck the N.R.A., it's a discouraging battle to lose.

Mr. LAUTENBERG. One final comment, Madam President. I happen to support gun control laws. This is not a gun control amendment. That is not under consideration now. This is a waste control amendment, a cut-spending amendment. It is a good-government amendment. It has nothing to do with gun control. It has everything to do with demonstrating that we can control spending.

Madam President, I urge my colleagues to support the amendment, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. Madam President, I yield 3 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I understand that some people really do not have need for guns. But there is a considerable portion of our country that still enjoys hunting and really believes in firearms safety. The training that is done under this program includes training at 450 Boy Scout summer camps.

In my State alone, we have 240 young men and women who are participating in this program who are learning gun safety and will use their guns in connection with legitimate lawful hunting activities in our State.

I really think that the Senator from New Jersey misses the point. It is a program that builds confidence in our Army as they deal with our youth in training them in the use of firearms and firearms safety. For those young men and women who are going to use guns lawfully—they primarily, incidentally, are rifles they are using—this gives them positive adult role models in the military people with whom they associate in this program. By teaching firearms safety, we have a younger population coming up that really is conscious of the way in which they should use firearms. This program has been totally accident free.

Let me repeat that. This program has been totally accident free. It teaches firearms safety.

As a result of this program, particularly in connection with the concepts of our volunteer enlistment concepts within the Department of Defense, these young people come in contact with role models that lead them to seek a career in the armed services. I think in terms of the recruiting alone this is cost effective.

Incidentally, for the Boy Scouts who participate, the annual cost of this program is 50 cents—50 cents per person.

The PRESIDING OFFICER. The time of the Senator from Alaska has expired. Who yields time?

Mr. INOUYE. Madam President, I yield 5 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I thank the chairman for yielding and for allowing me to speak against this amendment.

I think it is important for my colleagues to not only listen to the words of the Senator from Alaska and the points he has made, but to look at the broad scope of really an excellent

training program for young men and women in this country.

Why is it in a DOD bill? The reason it is there is because, historically, we have looked at this in a preparatory way, providing men and women in America with a talent and a capability that would lend to the national defense of this country. I know that many of us would argue today that times have changed, but certainly the talent of well-trained men and women for purposes of marksmanship as it relates to the defense of this country really has not changed and it will not change, only ebb and flow with our times and with our history.

Over 350,000 young people supported by their parents each year are taught how to use rifles safely and effectively—350,000 young men and women. In a given year, it can swell to as many as 700,000.

The Senator from Alaska is absolutely right. Since 1903, there has been not one accident—not one accident—as these young men and women, Boy Scouts and Girl Scouts and others going through this training program, have learned from their peers and their elders appropriate marksmanship training. This is called gun safety, and in America today we are as consciously concerned about the safe use and the safety of firearms as we are about how they are properly handled on the streets of our country.

The Civilian Marksmanship Program is cost effective. We have a lot of programs for young people in this country. The National Youth Sports Program, one that I openly support, reaches 70,000 young people in America on an annualized basis at a cost of $9.4 million, or $134 per participant. Yet, once again we have heard the Senator from Alaska talk about this cost application can be as little as 50 cents—50 cents—for providing young people in this country with a knowledgeable skill that may save a life or certainly protect a life in the fair and proper application of firearms. The Civilian Marksmanship Program provides a pool of citizens trained in small arms use, safety, and range management.

Is that not an appropriate and responsible thing for us to be involved in? The civilian marksmanship program supports Olympic shooting teams. Many individuals who compete in U.S. international world shooting and pan-American games are graduates of this program, or sponsored by the junior program. This is what is good about this program, along with many other of the attributes. It subsidizes no one. It allows men and women in the military to serve as trainees and supervisors in the offering of a tremendously valuable school. It reaches over 55,000 junior club members whose organizations participated in national matches last year at a cost of about $50 for a participant, who were direct contestants in those matches. And, of course, it included about one-half million Boy and Girl Scouts of America.

You can talk about cost control or you can talk about gun control. And I have a great suspicion that the amendment and the author of the amendment have a little more concern about gun control than cost control. Because if you look at cost control and you look at the application of this Government's budget to other youth programs and the kind of quality response we get in the long term as it relates to the talent built in America today, this program takes second place to no program, and it has been run now since 1903 with millions of men and women serving, providing, getting training from them. It is with this in mind that I think we ought to oppose this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, I find myself usually with the Senator from New Jersey. Once in a while I think he goes astray and once in a while he thinks I go astray, but rarely do I find myself in disagreement. And he is, if I may say, right on target on this one.

I speak for myself and not my colleague from New Jersey when the Senator from Idaho says we are concerned about gun control rather than cost control. I am interested in gun control, you bet. I am also interested in cost control. And this provides both.

This is gun promotion. That is what this is, pure and simple. I was in the Army. I had never fired a rifle until I was in the Army. I learned how to fire a rifle and fire a pistol, and if I may be immodest, I became reasonably good at in terms of accuracy in firing the rifle and firing the pistol. We do not need this kind of civilian training in order to become accurate markspersons in this field. If we want to use the military in connection with guns, let us get the military in some areas where we have major problems in our cities and train people. Maybe we can have people walking the beat, supporting local policepersons and others.

But I think this is a pure waste of money. And it is worse than that; it promotes guns. We do not need gun promotion. And in terms of my colleague from Idaho, for whom I have great respect, with whom I have worked on other legislation just recently, he mentions that we built up competitors for international training. I do not recall any other area where the Federal Government spends money building up competitors for international training. We do not do that with basketball; we do not do it in track and field. I cannot think of any other area.

Mr. CRAIG. Will the Senator yield?

Mr. SIMON. I may not have any time left. So I am afraid I cannot give you the time. I only have 3 minutes. But I do not think we ought to be using the Defense Department appropriations as a vehicle for competition in international sports events. But, primarily, we should not use it as a vehicle for promoting the use of guns. That is what this is all about. Let us not kid ourselves.

So I am pleased to vote for the amendment of the Senator from New Jersey and am pleased to be a cosponsor of that amendment.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. Madam President, I yield myself such time as I may require.

Madam President, the subcommittee adopted this provision for two reasons. One was historical and one recruiting. Historically, from the time of our Continental Army of the Revolution, we began the practice of men in the service helping young members of the community on the use of firearms. I believe that that practice had some reason for the adoption of the following: to provide for organizing, arming, and disciplining the militia.

That practice has continued throughout our history. And finally in 1902, it was formalized. Up until then, the various units in the Army used their own funds to support this program. But in 1902, they decided to make this a nationally recognized program. And it has continued to this day.

The second reason requires us to review what is happening. In the last 24 months we have reduced our military from nearly 3 million men and women to 1.7 million, roughly cut in half. We have cut every service. And because of the uncertainty that has been brought about by this drawdown of our military spending, we have had great difficulty in recruiting young men and women to serve in uniform.

For example, it has been the policy of the Department of Defense to recruit no more than 1 percent category 4 personnel. There are five categories in the U.S. military: Category 1, the genius; category 2, the college grad; category 3, the high school grad; category 4, the person who has the reading and writing comprehension of a fifth grader; category 5 is hopeless.

Less than 1 percent of our military recruits have been in the category 4 position. Today because of the difficulty we are having in recruiting young men and women, we have had to raise this and we are now about 6 percent category 4.

In the 1970's, Madam President, 30 percent of our recruits were in category 4. That is the difficulty we are having. We also have a survey going on in high schools to test the propensity of young people to join the military. That has gone down 40 percent. This

program is costing the taxpayers of the United States $2,483,000. That is a big amount. But I look upon this as part of our recruiting program.

Keep it in mind, Madam President, that the less than 1 percent of the population of the United States is willing to step forward and stand in harm's way in our behalf. It is not easy to recruit people. How many of our college grads are willing to step forward and say, "I am willing to stand in harm's way"? It is not easy.

This effort on the part of this rifle practice program, in which young men and young women work with young military personnel, I think it is a very positive way of recruiting. So with the limited time—and I would like to speak at greater length—I will yield the floor. I sense that my friend from Montana would like to say a few words.

I yield 2 minutes to the Senator from Montana.

Mr. BURNS. Madam President, I rise today to voice my opposition to the amendment offered by Senator LAUTENBERG. The Civilian Marksmanship Program may be an old government program, but it certainly is not outdated.

My service in the Marine Corps included time as a firearms instructor. During that time, I learned to appreciate what the Civilian Marksmanship Program means to the entire country. The program was designed to provide people proper riflery training. Over the years, this program has done that and much more.

There has been much talk about how much this program costs. Well, like every Montanan, I want to cut wasteful spending. But, this program is not wasteful. it teaches the youth in Montana and others throughout the country proper firearm safety and training. It also provides for the sale of surplus military equipment to groups such as the Boy Scouts of America. In addition, these funds help to keep rifle clubs and other training centers open in my home State. The promotion of proper firearm conduct should not be eliminated by the antigun movement.

Madam President, this is an important program that teaches proper firearm conduct. I do not believe it should be eliminated.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Jersey controls 5 minutes.

Mr. LAUTENBERG. Madam President, I will respond, because the argument is traditional. This program, by the way, has been examined for many years, going back to 1924, when they asked whether this program simply means to promote marksmanship and support gun clubs, because almost all of the trainees or the marksmen in this program come out of gun clubs.

I want to say to my colleague from Idaho what I said in my remarks, that I am for gun control. This is not a gun control measure, and despite the suggestion that what I said was either not accurate or true, that is not the intent here.

Neither was it my intent when I tried to strip $1.2 billion from the defense bill from executive aircraft. We have a responsibility to save money where we can. If I was asked is this a terrible, terrible program, I would say, no, it is not a bad program. But taxpayers should not be forced to pay for it.

Is my amendment anti-Boy Scout? No, it is not anti-Boy Scout any more than the fact that we do not give baseballs to Boy Scouts, or bakery goods to girl scouts to make cookies.

This is designed to simply reduce to zero a program that would cost us about $4.5 million this year—$2.5 million in direct appropriations, and roughly another $2 million that is divested to the program from the sales of certain weapons. So this is a program that no longer fits. When it was designed, we did not have the ability to train and recruit the people that we have now. And, even if you believe the estimates of the program's strongest supporters, only 2,400 people out of some 250,000 participants enlist annually in the military.

Madam President, there is nobody here who does not know that the NRA—traditionally on the other side of me on gun control matters—offers safety training with weapons. So do police departments and the Boy Scouts. So there are places for these people interested in the sport to get training.

The Army says—and I have a statement by them—that "this program was never intended or rationalized as a recruiting tool." That is the U.S. Army.

There are statements by the General Accounting Office. And it says:

> While the intent of the CMP is to contribute to military preparedness, its two mobilization goals appear to have no direct linkage to Army mobilization and training requirements and plans.

There is no system in place to track or identify the people who are training here, and the program's second goal, to provide trained CMP instructors essentially is not being accomplished. This is from the GAO.

> Because of the program members' volunteer status, there is no assurance that the program trained personnel will be available when needed.

Mr. CRAIG. Will the Senator yield?

Mr. LAUTENBERG. There is not enough time. The Senator made his statement, and I will use my time to make mine.

Madam President, what we are looking at is a program that has outlived its usefulness by a significant measure. Again, this is its 90th anniversary. Frankly, I think some of the thinking here is also aging. This is not a necessary program. It is a program that robs us of the opportunity to use these funds for more important purposes, whether it be Head Start or whether it be college tuition programs, things that have lasting value.

This is a program that suits gun clubs, who are particular supporters, but I do not see it as a necessary expenditure for a seriously pinched military defense budget.

Unless there is anyone who agrees with me and wants to say anything, I am willing to yield the remainder of my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. INOUYE. Madam President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of Senator LAUTENBERG. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], and the Senator from North Carolina [Mr. HELMS] are necessarily absent.

The PRESIDING OFFICER. (Mr. FEINGOLD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 30, as follows:

[Rollcall Vote No. 325 Leg.]

YEAS—67

Akaka	Faircloth	McConnell
Baucus	Ford	Mikulski
Bennett	Glenn	Mitchell
Biden	Gorton	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grassley	Nickles
Boren	Gregg	Nunn
Breaux	Hatch	Packwood
Brown	Heflin	Pressler
Burns	Hollings	Rockefeller
Campbell	Hutchison	Roth
Coats	Inouye	Sasser
Cochran	Jeffords	Shelby
Cohen	Johnston	Simpson
Conrad	Kassebaum	Smith
Coverdell	Kempthorne	Specter
Craig	Kerrey	Stevens
Danforth	Leahy	Thurmond
Daschle	Lieberman	Wallop
DeConcini	Lott	Warner
Domenici	Lugar	Wofford
Durenberger	Mack	
Exon	McCain	

NAYS—30

Boxer	Feinstein	Mathews
Bradley	Graham	Metzenbaum
Bryan	Harkin	Moseley-Braun
Bumpers	Hatfield	Murray
Byrd	Kennedy	Pell
Chafee	Kerry	Pryor
Dodd	Kohl	
Dorgan	Lautenberg	
Feingold	Levin	

Reid	Robb	Simon
Riegle	Sarbanes	Wellstone

NOT VOTING—3

D'Amato	Dole	Helms

So the motion to lay on the table the amendment (No. 1079) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1081

(Purpose: A sense-of-the-Congress Resolution to urge the Department of Justice to investigate possible Federal civil rights violations involving Crown Heights, NY)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration. I submit this on behalf of the minority leader, Mr. DOLE, and Mr. D'AMATO.

The PRESIDING OFFICER. The clerk will report.

The bill legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. DOLE and Mr. D'AMATO, proposes an amendment numbered 1081.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Insert at the appropriate place:

SEC. . It is the sense of the Congress that the United States Department of Justice should investigate whether any Federal criminal civil rights laws were violated as a result of (1) the murder of Yankel Rosenbaum on August 19, 1991, and (2) the circumstances surrounding the murder and accompanying riots in Crown Heights.

Mr. STEVENS. This is a sense-of-the-Senate, urging the Department of Justice to investigate the Federal civil rights violations in Crown Heights, NY. I ask unanimous consent the Senator from New York [Mr. MOYNIHAN] be listed as a cosponsor.

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

Mr. DOLE. Mr. President, it is not too often that the Senate speaks in a single, unified voice.

But last month, we did just that, passing, by a unanimous 97 to 0 vote, a resolution urging the Justice Department to initiate a Federal civil rights investigation into the brutal murder of a young Australian Rabbinical student named Yankel Rosenbaum.

Unfortunately, this resolution was subsequently dropped in conference. And even worse, the Justice Department continues to drag its feet on an investigation.

On September 27, I personally wrote to Attorney General Reno urging her to use her good offices to initiate an investigation. Earlier this week, I finally received a reply—not from the Attorney General herself, but from Assistant Attorney General Sheila Anthony.

The letter says that an investigation was commenced in November 1992, and that the "Attorney General is committed to reviewing this matter thoroughly to determine the appropriate response for the Department of Justice."

Now, I can appreciate the Attorney General's commitment, and I can understand her desire to be thorough.

But after months and months, and more months, of Justice Department delay, one cannot help but wonder whether all this thoroughness is really nothing more than a smokescreen for politics.

Why the foot-dragging? Why the delay? Why has not this investigation been completed? Has a grand jury been convened?

Mr. President, as the Senate knows, Yankel Rosenbaum was a victim of the now infamous Crown Heights Riots. Chased down a New York street by a bloodthirsty mob, he was stabbed repeatedly while his assailants shouted "Kill the Jew! Kill the Jew!"

Yankel Rosenbaum died because he happened to be at the wrong place at the wrong time. But he also died because he happened to be a Jew.

One person was charged with the Rosenbaum murder, but was subsequently acquitted. Since the acquittal, no other suspect has been brought to trial for this vicious crime. The killers remain free.

As I said last month, the tragedy of the Yankel Rosenbaum killing extends far beyond Crown Heights and New York City. It affects all Americans of good will who are horrified when they learn that a young man could come to our country, only to be killed because of his ethnicity and religious beliefs.

This is a hate crime, pure and simple.

Mr. President, they say that justice delayed is justice denied. And justice will be denied for Yankel Rosenbaum and the citizens of Crown Heights if the Attorney General doesn't act, and act promptly.

The American people and the Rosenbaum family have been patient. They deserve answers, not the foot-dragging and politics we are unfortunately seeing.

Mr. President, last month, we passed this amendment unanimously, and we should do so again today.

Mr. President, I ask unanimous consent that the letter from Assistant Attorney General Anthony be printed in the RECORD immediately after my remarks.

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

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, October 18, 1993.

Hon. BOB DOLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE: Thank you for your recent letter to Attorney General Reno concerning the death of Yankel Rosenbaum. An active investigation has already been conducted into this matter by the Federal Bureau of Investigation, the Civil Rights Division of the Department of Justice, and the United States Attorney's Office for the Eastern District of New York. This investigation was commenced in November, 1992, shortly after the conclusion of the state prosecution. The Attorney General has also received numerous submissions from interested parties regarding the evidence and applicable law. The Attorney General is committed to reviewing this matter thoroughly to determine the appropriate response for the Department of Justice.

We appreciate your interest in this matter, and are pleased to be of assistance to you. We hope that you will not hesitate to contact this office if you have any further questions.

Sincerely,

SHEILA F. ANTHONY,
Assistant Attorney General.

Mr. STEVENS. I urge immediate adoption of the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1081) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

NATIONAL MISSILE DEFENSE PROGRAMS

Mr. HEFLIN. Mr. President, I would like to discuss several matters of importance with the distinguished chairman of the Defense Appropriations Subcommittee.

As the chairman knows well, the Secretary of Defense recently completed a Bottom-Up Review of Pentagon programs. One outcome of this review was a change in plans to develop a national missile defense. Though the Secretary has recommended reduced funding, I believe we can and must get substantial results from this investment.

Mr. INOUYE. I appreciate the comments of the senior Senator from Alabama.

I share his concern that the Nation must obtain a meaningful product from the proposed investment of more than $3 billion in national missile defense technology efforts. It is exactly for this reason that the Defense Subcommittee has sought to treat the ballistic missile defense organization programs like every other Department of Defense program and has recommended specific adjustments to ballistic missile defense-related activities.

I believe Congress must exercise its responsibilities to provide greater oversight of missile defense programs. By reviewing these programs, Congress can help ensure that these programs meet valid military requirements and achieve concrete results.

The subcommittee's approach demystifies ballistic missile defense programs.

Mr. HEFLIN. I understand what the subcommittee intended in adopting

this approach. I would like to provide a more specific example of my concerns. I am aware of reports that the ballistic missile defense organization [BMDO] already may be planning to reallocate funds within its appropriated budget from certain national missile defense and other programs to fund other projects at levels higher than approved in the subcommittee bill. I am concerned that such reallocations would disadvantage certain important programs—in effect, unwisely robbing Peter to pay Paul. I would ask the chairman if these possible reallocations are consistent with the subcommittee's recommendations.

Mr. INOUYE. I appreciate the distinguished Senator raising these concerns. I, too, am aware of decisions made by the ballistic missile defense organization allocating funds to projects under the continuing resolution at higher levels than those included in the budget request or than contemplated in the bill before us.

I understand these decisions are consistent with the guidelines contained in the continuing resolution. However, these decisions do not reflect this subcommittee's recommendations which are now before the Senate.

The subcommittee this year held a hearing and reviewed hundreds of pages of documents and materials justifying the BMDO budget request. The subcommittee approved funds for specific missile defense projects in accordance with the President's budget request and the supporting budget justification materials. We believe these recommendations are entirely consistent with, and supportive of, the Bottom-Up Review conclusions about missile defenses.

It is the subcommittee's definite intent that the specific amounts recommended for appropriation be used for the projects approved, and in the amounts approved, by the subcommittee in this bill and accompanying report. This is consistent with the way the subcommittee treats every other significant Defense Department program, project, or activity.

Thus, the subcommittee requires that it be consulted with, and notified, prior to any reallocations of funds between ballistic missile defense organization program elements or projects which modify the specific amounts recommended in this bill and accompanying report for these program elements or projects.

Mr. HEFLIN. I thank the Senator from Hawaii for considering my concerns and providing clarification on the missile defense funding recommendations contained in the bill before the Senate.

I am also disappointed with the Defense Department's failure to move forward with development of a ground base interceptor missile, referred to as GBI, the destroy intercontinental ballistic missiles. The Defense Department has let this program drift without direction for almost a year.

I believe the Army's Space and Strategic Defense Command is developing a new plan for this program. It is my understanding that the committee's intent was to keep risk reduction funding for this program level with that spent last year and therefore provided $46.9 million to continue the projects supporting development of GBI. It has come to my attention, however, that the data supplied to the committee by BMDO regarding expenditures on this program may have been inaccurate. Sources at the Space and Strategic Defense Command have informed me that the actual expenditure on this program was $56.7 million. I hope the committee will investigate this discrepancy. Furthermore, I hope that, should the GBI project require additional funds during fiscal year 1994 from within the total amounts available for national missile defense efforts, the subcommittee will consider such a request under the consultation and notification procedures outlined during this colloquy.

Mr. INOUYE. The committee report does recommend an amount of funds for fiscal year 1994 for GBI risk reduction which, it was informed, does equal that spent in fiscal year 1993 for risk reduction efforts under three contracts. I will have my staff determine if there is indeed a discrepancy between the spending data conveyed to the committee and our colleague from Alabama by the Pentagon. Furthermore, I am pleased to assure my colleague that, assuming sufficient advance consultation and notification, the subcommittee will give all due consideration to any request from the Defense Department to allocate funds necessary to maintain the subcommittee's intent or move forward in a measured manner with the GBI Program.

Mr. HEFLIN. I thank the chairman.

Mr. President, I also noted that the Defense subcommittee added $25 million to the Pentagon's budget request to continue national testbed efforts to assist the development of missile defense systems. The subcommittee directed that these funds should be focused on modeling and simulating theater missile defense systems currently in development.

The Advanced Research Center [ARC] operated by the Army's Space and Strategic Defense Command is uniquely qualified to support expanded use of the national testbed for simulating theater missile defense systems. I would ask the subcommittee chairman if he expects the ARC to receive a major share of these additional funds.

Mr. INOUYE. Indeed, I understand that the Army's Advanced Research Center, a node of the national testbed, has previously been used to develop software models of theater missile defense systems and to analyze a missile defense system's effectiveness before moving forward with costly hardware testing.

I agree with my distinguished colleague from Alabama and believe the Advanced Research Center is well qualified to support expanded efforts to assess the performance of theater missile defense systems under development. Should these additional funds be approved in joint conference, I would expect this center to receive a substantial portion of these funds.

Mr. HEFLIN. I thank the Chairman.

NAVY GUN WEAPON SYSTEMS TECHNOLOGY PROGRAM

Mr. McCONNELL. I understand the Senate Defense Appropriations subcommittee took action reducing the House recommendation of $38,247,000 for Navy gun weapon systems technology to $17,247,000.

Mr. STEVENS. That is correct. This action was taken by the committee without prejudice. Navy gun weapon systems technology is an open item, and one that I believe should be thoroughly debated in conference.

Mr. McCONNELL. As you know, the House language provides $10.5 million for the Crane Division of the Naval Surface Warfare Center to develop high-technology gun systems capable of performing the full tactical range naval surface fire support mission. Further, this program is on the cutting edge of developing gun systems that defend against antiship cruise missiles. These missiles are the No. 1 threat to our surface ships. It will be difficult to fund this program at the Senate's allocation level.

Mr. STEVENS. Is it not true that this is the only organic gun weapon system R&D program in the Navy?

Mr. McCONNELL. That is correct. This program is working to double the current range of our 5-inch guns and is essential to the future of Navy readiness.

Mr. STEVENS. I agree with you on this program's importance. To my knowledge, the committee has no objections to revisiting this provision. I feel it should be readdressed in conference. It is clear that this program is important to the Navy. I hope it will not be overlooked.

MAINTAINING THE DEFENSE INDUSTRIAL BASE

Mrs. FEINSTEIN. Mr. President, I would like to commend the chairman of the Defense Appropriations Committee, Senator INOUYE, on the good job he and his subcommittee have done in drafting this bill. This is a very difficult time for our military personnel. In the aftermath of the cold war, it is necessary to reduce overall defense spending and recoup a peace dividend. But we must be careful not to jeopardize U.S. national security and we must not leave those who helped us win the cold war out in the cold. The chairman

has done an outstanding job. He has addressed tough national security matters and has paid special attention to many emerging issues.

I want to address one of these issues in particular—the maintenance of the defense industrial base. My State of California, and especially southern California, is viewed as a repository of a substantial portion of the Nation's defense and aerospace industrial base. This includes not only large aircraft prime contractors such as McDonnell Douglas and Northrop, but dozens of major subcontractors such as Rockwell, Hughes, and TRW, and hundreds of medium and small subcontractors, vendors, and suppliers who are the backbone of the Nation's aerospace and defense industry.

I believe that the people who work for these companies are a national security asset. Their special skills and their experience are as important to maintaining a strong U.S. military as any scarce commodity or unique facility.

The concept of ensuring the maintenance of the defense industrial base was firmly established in the Department of Defense's Bottom-Up Review. That review recommended that the Nation's key production capability be preserved, such as the ability to produce nuclear attack submarines, aircraft carriers, and tanks. Through continued low-rate production, even if the additional equipment is not required for our present force structure, or through other measures to preserve key capabilities, the defense industrial base will be protected. In the event of a national emergency sometime in the future, when a quick buildup is needed, the workers, the facilities, the critical suppliers, and the management capability in these vital areas will be preserved.

The Bottom-Up Review has thoroughly addressed the defense industrial base in the eastern half of the country—the *Seawolf* submarine in Connecticut, the CVN-76 aircraft carrier in Virginia, and the M-1A tank in Ohio. However, I believe that the same attention must be given to the defense and aerospace industrial base in the West, particularly in California where much of that base is located.

For example, the B-2 bomber and C-17 cargo aircraft are the last two remaining large modern military aircraft production lines in existence in the United States. And, the Trident II D-5 missile is the only remaining ballistic missile production facility currently in operation in the free world. Most of this production capability occurs in my home State of California.

Literally thousands of medium- and small-sized companies throughout the Nation rely on these programs for their economic existence, and tens of thousands of California jobs are dependent on the continuation of these important programs. We are not just investing in military capability with the B-2, C-17 and D-5, but we are sustaining the bedrock of our aerospace capabilities, that is, preserving the defense industrial base.

In producing the C-17, we are building an extremely important and vitally needed cargo aircraft, as well as preserving the only bomber production facility in the Nation. More than 12,000 highly specialized skilled workers build the C-17 and tens of thousands more people are employed by key suppliers and subcontractors.

The circumstances are similar with the Trident II D-5 missile. As the only missile production facility in the free world, the workers who build the D-5 missile and the facilities that support that production are key components of the defense industrial base. Terminating the D-5 missile now would have long lasting implications beyond just having a fewer number of missiles to provide nuclear deterrence. Termination of the D-5 could cripple the only industrial facility in the Free world capable of D-5 missile production.

With regard to the B-2 stealth bomber, I note with approval the language in the committee report addressing the Nation's bomber production capability. Largescale composite aircraft like the B-2 bomber are unique. No other aircraft in the world, civilian or military, is built like the B-2. The skills and production techniques used for large composite structures are unique to the B-2 industrial team, and the B-2 line is the country's last remaining active bomber production line. It represents—in the people, facilities, and manufacturing technique—the cumulative industrial expertise and competence of America's investment in bomber capability.

I believe this strategic asset has to be protected. The skilled workers cannot be allowed to disappear due to a lack of a coherent defense industrial base policy. In the case of the B-2, almost 30,000 California jobs are dependent on the program. Unless we act to preserve this skilled work force, it will fade over the next 10 years.

I was particularly pleased with the committee's report which instructs the Defense Department to address the issue of bomber production capability and report to the Congress on how this industrial base will be maintained. It further seeks to protect the bomber production capability by endorsing the concept of contractor maintenance of the B-2 bomber at the Palmdale facility—where the high-skilled jobs are currently located. As the committee report states with regard to the B-2, "the government has already invested billions in the private sector to train a highly skilled work force and has constructed facilities to meet the need." I couldn't agree more with the committee and ask unanimous consent that a recent letter I sent to Defense Secretary Aspin on this issue be entered into the RECORD at the conclusion of my remarks.

As the United States continues to downsize its military and reduce defense spending in the aftermath of the cold war, maintaining the defense industrial base is even more important. In just the last 2 years, California has lost 250,000 defense-related jobs. Most of these are good, high-quality, high-paid jobs. These people, many possessing the most advanced assembly skills that exist today, have been forced into entirely new occupations, and their defense and aerospace skills have been lost to the Nation.

Though the Soviet Union is no more, the world is still an unsafe place. There are currently more than 30 conflicts raging throughout the world. In addition, the former Soviet Union has not completed its fragile journey to democracy and as the recent events in Russia showed, that journey will be a turbulent one. The United States must maintain its war-fighting ability in order to protect our national security. While I support certain reductions in defense spending, I strongly believe we must be careful in deciding what cuts are made and believe that the United States must maintain its key industrial capabilities.

As I watch hundreds of small and medium-sized subcontractors and suppliers disappear from the California business environment, I believe it is imperative that the administration and Congress take steps to protect the defense industrial base—a vital national security asset.

U.S. SENATE,
Washington, DC, September 20, 1993.

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

DEAR MR. SECRETARY: I am writing in support of a proposal to convert the Palmdale B-2 bomber final assembly plant into a facility to support the long term depot requirements of the B-2 weapons system.

During my recent visit to the Palmdale facility, I was impressed with the uniqueness of the physical plant and, most especially, with the quality of the resident work force. I understand that if the Air Force defers its decision on a full organic depot capability for the B-2 bomber for several years, the potential near-term savings could amount to as much as $700 million.

This proposal has the added advantage of providing a vehicle to insure continued depot competition which will guarantee the lowest possible support cost for the B-2 aircraft. Use of the Palmdale facility would also help maintain the United States industrial base by insuring that a modern bomber production line is maintained in a viable configuration. In addition, this proposal would preserve up to 2,000 direct jobs at a time when defense downsizing is adding to California's continuing recession.

I urge your consideration of this cost-effective proposal.

Sincerely,

DIANNE FEINSTEIN.

Mr. DOLE. Mr. President, I commend my colleagues on the Appropriations Committee, and particularly the distinguished chairman and the ranking

Republican on the Defense Subcommittee, Senators INOUYE and STEVENS, for their work in crafting and managing this bill. Their task has not been easy this year, given the Nation's budget constraints and the need to address the U.S. involvement in a number of so-called peacekeeping operations around the world.

Over the past several months, the United States has expanded its military commitments around the world while, at the same time, we are slashing our Defense budget at an unprecedented rate. In my view, this does not make sense. How can anyone square the fact that we are undertaking more missions and expanding our presence around the world while the Congress continues its slash-and-burn policy toward the Defense budget? We are not cutting defense. We are gutting it.

I do not fault the members of the Appropriations Committee for this. As I have said, they have done an excellent job in trying to keep vital accounts adequately funded. But this will be harder and harder to do as we progress down the path of defense cuts the President has planned.

Currently, more than 70,000 U.S. troops are actively involved in various peacekeeping operations throughout the world. At the same time, the military is forced to continue its downsizing, and the Defense Department's budget continues to shrink. We have stretched our Armed Forces to their limits. We have asked them to perform more missions, undertake new responsibilities, and face greater risks, and to do all of this with fewer people and less support than in the past. Yet as always, our dedicated men and women have proven themselves to be, without question, the finest fighting force in the world.

There are some that say the United States no longer has any real enemies or faces any real threats. But the men and women in uniform will tell you differently, and we had better pay attention. North Korea, as well as India and Pakistan, continues to develop its nuclear weapons capabilities. China has embarked on a massive arms buildup. The conflict in the Balkans threatens to draw in surrounding nations. And let us not forget about Iraq and Iran or the wars now raging in the Transcaucasus. Finally, Russia is still producing ICBM's and still possesses a larger nuclear stockpile than the United States. Yet, some Members of this body will tell you that now is the time to slash our strategic programs or our intelligence budgets. But the truth remains, the world is still a dangerous place, and the events of the past few weeks simply demonstrate that fact. As I said last year, the world is not safer—just more uncertain. The United States must be prepared to face these undefined threats.

The proponents of massive defense cuts should also keep in mind the impact of these cuts here at home. When a weapons program is canceled or a base is closed, it's not just the top brass at the Pentagon that loses out. It's the small businesses on Main Street, and the families in those communities which lose out as well. Actually, I believe some Senators have taken notice of this. It is interesting to see a number of my colleagues who have suddenly discovered how important a submarine or missile built in their State is when defense cuts threaten to cancel them. Let me be clear, I'm not saying there aren't any areas within the defense budget where cuts can be made or belts tightened, but the Congress simply can't slash away at every line item in the defense budget just because the Berlin Wall fell.

Mr. President, Congress and the administration are cutting the defense budget too far and too fast. The defense appropriations bill for fiscal year 1994 is $13 billion less than last year's bill. The fiscal year 1993 bill was $17 billion below fiscal year 1992 spending levels. In fact, the bill before us today represents a 33-percent reduction in defense spending since 1985. In fact, by the end of the Clinton budget plan, defense spending will have been reduced by 43 percent since 1985. Mr. President, I believe the committee has done the best it possibly can, given the parameters within which it had to work. But, I urge my colleagues to reevaluate this Nation's recent trend in defense spending. We simply cannot continue to cut defense spending in the future as we have over the past few years. If we do, we will not be prepared to face the uncertainties awaiting us and we will threaten this Nation's ability to defend itself and its interests.

Mr. BYRD. Mr. President, I want to congratulate the distinguished chairman of the subcommittee, Mr. INOUYE, and the distinguished ranking minority member, Mr. STEVENS, for their prodigious work on this bill and the long, arduous hours they have put in on the floor to bring it to a successful conclusion. They have been in the unenviable position of being on the receiving end of a cook's tour of American foreign policy hotspots from the Caribbean to the Horn of Africa. However, the Senate has worked its will on this bill and the managers have handled all the far-ranging business that has been thrown at them with unfailing courtesy, and the Senate owes them a debt of gratitude for their work.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, as manager of the bill, I wish to advise the Senate that there is no further request for amendments. If that is the case, may I ask for the third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The bill (H.R. 3116) as amended was passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

APPOINTMENT OF CONFEREES—H.R. 3116

Mr. INOUYE. Mr. President, I move the Senate insist on its amendments on the Defense appropriations bill and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. INOUYE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. BYRD, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Mr. STEVENS, Mr. D'AMATO, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. NICKLES, Mr. GRAMM of Texas, Mr. BOND, and Mr. HATFIELD conferees on the part of the Senate.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994—CONFERENCE REPORT

The PRESIDING OFFICER. The report will be stated.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 18, 1993.)

Mr. LAUTENBERG. Mr. President, I am pleased to bring the conference report on the fiscal year 1994 Transportation appropriations bill to the Senate.

There is a tendency to view appropriations bills as the nuts and bolts of the legislative process. Bills are reviewed in terms of programmatic funding levels and the fate of specific projects within States. But I would suggest, Mr. President, that appropriations measures are more than that. They really implement basic policy choices. And in that context, this bill

makes wise choices within budget limits.

There's no question that we need to cut out wasteful spending and continue the downward pressure on the deficit. In short, we should "cut spending first." It is a dictum we all understand and it points us in a direction we must continue to follow.

But, like all dictums, it is an attempt to reduce a complex process, with wide ramifications, to simple terms. As chairman of the Transportation Appropriations Subcommittee, it's my responsibility to strike the right balance between cutting out waste and making the kinds of investments in our future that lay the foundation for growth and a better quality of life.

To me, that does not suggest an assault on all spending. It is not a mandate to vote "no" on each and every appropriations bill. It is not a repudiation of investments that lay the foundation for a better future. It does, however, call for elimination of waste, a rejection of pork and the elimination of perks for executive branch officials. It is a protest against the notion that it is open season on taxes. It is a reflection of the pain of many of our citizens who are unemployed, or who have seen their incomes shrink as Federal spending increases without producing real change for the better.

This bill is a response to these dual responsibilities. It certainly is not perfect. Our fiscal problems were not created overnight, and cannot be solved all at once. The legacy of the 1980's, supply side economics, put this Nation on a collision course of ever-growing deficits. So, you cannot turn things around all at once. But this bill makes real progress in making Government more responsive and more responsible.

Let me give you a few examples.

In response to the need for change, we have done as much as we can to eliminate the excess of Government.

We have eliminated highway demonstration projects—projects which respond to the concerns of Members of Congress, but may ignore the objective criteria designed to meet our national transportation needs.

We also made real progress in an effort to extend this principle to other areas of the bill. The Senate avoided earmarking any of the money devoted to bus transportation—we recognized that the Department of Transportation was in a better position than the Congress to analyze the competing claims of various communities. The House adopted a more traditional approach and earmarked roughly two-thirds of the bus money.

In conference, we tried to eliminate the earmarks. We could not, but we did do two other things. First, we included Senate requests without adding to the amount of money being earmarked. And second, as a result, we made a policy statement: We said that, even though we could have taken it all, we knew we shouldn't; we know that the Department should be involved in disbursing these funds; and next year, I hope we will keep even more funds free of congressional mandates.

Beyond reforming congressional practice, we have tried to correct Federal policies. We have instituted reasonable structural reforms in government programs. We took the Essential Air Services Program and implemented key components of Vice President GORE's National Performance Review recommendations to reform the program. As a result, we have a program that costs less, while still meeting our national obligation to give citizens in more remote areas of the country access to essential air services.

And, Mr. President, we have done what we need to do to invest in our future.

We have funded investment in infrastructure to the maximum extent permissible by the budget. The infrastructure needs of our Nation are staggering and go right to the heart of our economic growth and productivity. While our expenditures must be limited by the budget the flexibility contained in the landmark Intermodal Surface Transportation Efficiency Act [ISTEA] will make the dollars we spend go even further in meeting our transportation needs.

We have invested in the kinds of research we need to respond to both chronic and emerging national problems. Unlike spending for programs like the superconducting super collider, which I oppose, the research funding in this bill has real-world benefits. We provide research funds for stealth buses, magnetic levitation, and satellite navigation systems. Development and commercialization of these products will increase fuel efficiency, reduce air pollution, minimize maintenance costs, and promote safety. To the extent that research results in better ways of addressing these problems, it helps revitalize the economy. We create opportunities for new industries, and by expanding the range of operating requirements for new systems, we make existing infrastructure more efficient. Focused research programs also create new job opportunities which would not be developed without federally supported research.

We have continued to support innovative approaches to meeting immediate needs. The Intelligent Vehicle/Highways Systems [IVHS] Program I sponsored as part of ISTEA will make a substantial dent in congestion. It also will create jobs and, hopefully, let us compete for this business worldwide as other countries incorporate IVHS into their transportation network.

So, Mr. President, this bill tries to end business as usual, but also makes the necessary investments for our future. By eliminating waste and expanding productive investment, we produced a balanced bill that makes real progress.

Let me provide the members with just a few of the programmatic highlights:

For the Coast Guard, the bill provides a total of $3.6 billion, which is $40 million more than the House-passed level. This funding will help the Coast Guard fund its most important priorities in carrying out its critical missions.

For the Federal Aviation Administration, the bill provides a total of $8.64 billion which is $217 million below the enacted fiscal year 1993 level, but is $194.4 million more than the House-passed level.

The bill provides a Federal-aid highways obligation ceiling of $17.59 billion, which is $2.26 billion above the fiscal year 1993 level. All funding under this obligation ceiling is distributed under authorizing formulas, rather than by congressional earmarks.

Highway safety grants to the States will be increased $32 million over the fiscal year 1993 level. These funds will enable the States to step up their efforts in combating drunk driving, especially among underage youth.

Transit is a priority in this bill. Funding for transit programs enjoyed a large increase—$783 million over the fiscal year 1993 levels. Operating assistance stayed at the fiscal year 1993 level of $802 million. The section 9 formula grant program increased by $715 million—all of this funding will be distributed by formulas established in ISTEA, without earmarks. Everybody benefits, the elderly and disabled program increased 21 percent, from $48.6 million to $58.7 million. Funding for the section 18 small urban and rural program—cities below 50,000 population—increases by 43 percent, from $90.8 million to $129.6 million. And urbanized areas will receive an 87-percent increase for capital projects.

Funding in the bill for Amtrak operations and its related capital accounts is more than $210 million above than the House-passed level. This increased level is essential, given Amtrak's recent revenue declines and the need to make headway toward modernizing the railroad.

Unfortunately, Mr. President, this bill does not include funding for the Clinton administration's new high-speed rail initiative. This initiative is intended to fund incremental improvements to bring about new high-speed rail corridors in several regions across the country.

The record will show that I have always been a strong advocate for high-speed rail investment, whether it is in improvements in the Northeast corridor, or research in new high-speed rail technologies.

The Senate-passed bill included $107 million for the Clinton high-speed rail

initiative. However, when the conferees met on the fiscal year 1994 appropriations bill, no progress had been made in authorizing this new program beyond a mark-up by the House Energy and Commerce Committee. The House conferees were insistent that we not appropriate into a crystal ball, and that we wait until the new high-speed rail bill is enacted before appropriating funds for this initiative.

However, at my suggestion, the statement of managers accompanying this conference report includes a statement in favor of the President's initiative, pointing out the environmental, energy and employment benefits that could result from enhanced investments in high-speed rail. The statement of managers also includes a commitment by the conferees to consider funding for the initiative following enactment of the authorization, perhaps as soon as the fiscal year 1994 supplemental appropriations bill. I hope the appropriate authorizing committees will move forward expeditiously toward enacting this new program, so that the appropiations committees can fund this critical new initiative.

Other industrialized nations have first-class rail systems, which not only improve their productivity, but also provide jobs for their people. It's an outrage that the United States currently buys almost all of its intercity rail cars from abroad. Along with other high technology products, we've virtually abandoned the playing field in transportation technology to our allies. We are just starting to turn the corner, and for the first time, production of rail cars is starting again in our country. This industry can provide high-wage manufacturing jobs for our workers and improve our economy's productivity. Let's get on with it.

Finally, Mr. President, I should mention one item agreed upon by the conferees that was inadvertently omitted from the conference agreement. It concerns the right-of-way revolving fund within the Federal Highway Administration. The statement of the managers should have indicated that the conferees agree upon the distribution of funds contained in the House report. Specifically, it is agreed that $2.5 million is to be used for the Neuse River Bridge in North Carolina and $4 million for the Yuba City Bridge in California.

Overall, Mr. President, I believe this is a balanced bill that spends money prudently and productively. It eliminates waste where possible, and it minimizes political influence where necessary. Beyond that, Mr. President, within budget constraints set by Congress, it invests the funds we do have in programs and projects that will meet our needs now and create a better future for all of us.

Mr. President, I wish to discuss with Senator STEVENS an issue concerning aviation navigation and landing aids under the jurisdiction of the Federal Aviation Administration. Senate Report 103-150, which covers H.R. 2750, contained language directing the FAA to install eight nondirectional beacons [NDB's] to assist small aircraft in cross-country navigation in Alaska. The sites listed were: Annette, Big Delta, Chandalar, Dutch Harbor, Iliamna, McGrath, St. Mary's, and Talkeetna.

Mr. STEVENS. Senator LAUTENBERG will recall that I offered this report language at the full Appropriations Committee markup of this bill, and that it was accepted at that meeting.

I offered this language as a result of a recent conversation I had with the Alaska Aviation Safety Foundation. They were concerned about the operation of Alaska's current inventory of nondirectional beacons.

In Alaska, NDB's are used as en route navigation aids. In addition they provide weather information for pilots in remote locations. In the South 48, NDB's are not required to perform the variety of functions they do in Alaska.

The Aviation Safety Foundation informed me that our current stock of NDB's in Alaska are just not powerful enough to adequately perform these tasks.

Mr. LAUTENBERG. Yes, that is true. The committee's acceptance of the Senator's language recognizes the importance of the issue to the Senator's State.

As the Senator knows, these eight beacons were not included in the administration's fiscal year 1994 budget request for the FAA, nor did the House include a similar amendment in their report. When the conferees resolved the differences between the House and Senate-passed DOT appropriations bills, this item was not agreed to by the House. Instead, language was added to the conference report noting that NDB's have already been installed at each of the eight locations, and directing FAA to study the need to upgrade the existing equipment.

Mr. STEVENS. Air transportation is vital to Alaska. Alaska has very few highways, and over 70 percent of our communities can only be reached by air. With the extreme weather and terrain our pilots must navigate, it is imperative that they have the best possible navigation aids.

The eight navaids I have requested for Alaska would replace those currently in these eight Alaska locations with more powerful one kilowatt, remote maintenance monitoring, dual channel NDB's. These would have a range up to 130 miles—compared to the current NDB range of 15 to 20 miles.

FAA informs me that the cost per copy for the new higher-powered NDB's is about $300,000.

Mr. LAUTENBERG. I agree that the higher-powered NDB's would help increase air safety in Alaska. That is why I expect the FAA, in the course of reprogramming activities during fiscal year 1994, to make its highest priority a request for the approximate $2.4 million required for the Alaska NDB's. Moreover, I expect FAA to include these important safety items in their fiscal year 1995 budget request which is currently being drafted.

Mr. STEVENS. I thank the Chairman. In addition, I would appreciate his assurances that should any of the existing eight NDB's place-named in my amendment experience breakdowns, that FAA act immediately to replace them with the new, high-powered NDB's.

Mr. LAUTENBERG. I agree that the FAA should address repair situations as opportunities to upgrade the NDB's to the required enhanced status. These 8 NDB's are all at least 15 years old while one NDB, located at Chandalar, is 20 years old. Air safety in Alaska must not be diminished while we await FAA's fiscal year 1994 reprogramming request and its fiscal year 1995 budget request.

Mr. STEVENS. I thank the Senator. And I would like to take a moment to thank him for another provision included in this year's bill.

I have been concerned about the status of the NEXRAD radar program in Alaska. As a result, the conferees included bill language in the conference report at my request which requires the FAA to install seven NEXRAD radar in Alaska at locations across the State. The bill language also requires the FAA to conduct a study on the need for two more such radar in Alaska.

The conferees also included language in the statement of managers which further explained the details of the study the FAA will undertake.

These radar are extremely important for Alaska's aviation community, and I want to thank you for making it clear in this legislation that Alaska will be getting at least seven such radar.

Mr. LAUTENBERG. I agree with Senator STEVENS that the new NEXRAD radar are very important to aviation safety in Alaska, and I was pleased to include bill language making it clear that FAA will install seven NEXRAD's in Alaska as provided in the fiscal year 1994 appropriations bill. The bill also requires a study to assess the need for two more NEXRAD. The conferees added extensive language on the scope of this required study.

Mr. STEVENS. I would like your assurance that the report language refers only to NEXRAD's above the seven funded in fiscal year 1994 and does not conflict with the bill language which requires that seven be installed in Alaska.

Mr. LAUTENBERG. My colleague from Alaska is correct.

Mr. STEVENS. Thank you, Mr. Chairman.

SUSPENDED LIGHT RAIL TRANSIT

Mrs. FEINSTEIN. Mr. President, I would like to enter into a brief colloquy regarding the suspended light rail transit [SLRT] pilot project authorized by Public Law 102-240. as you know, the Federal Transit Administration [FTA] is in the final stages of a funded competition. The three finalists submitted their best-and-final proposals on September 30, 1993. It has been communicated to the three competitors that a selection will be recommended to the FTA Administrator no later than November 30, 1993, and an announcement from the Secretary would be forthcoming within 30 days thereafter.

I have reviewed the conference report language on SLRT, and I do not read it as precluding the FTA from selecting a winner from among the three finalists. Indeed, given that the competition is at the final stage, I would expect FTA to announce a winner of the competition early in fiscal year 1994. Would that be the Chairman's understanding?

Mr. LAUTENBERG. Yes, that would be my understanding. There is nothing in our conference report that impedes in any way the FTA from completing the SLRT competition, and I would fully expect them to do so.

AIRPORT AND AIRWAY IMPROVEMENT ACT OF 1982

Mrs. FEINSTEIN. In 1981, as mayor of San Francisco, I negotiated a settlement to a major antitrust suit the city brought against 22 airlines on behalf of San Francisco International Airport, and the city of San Francisco. These negotiations resulted in a settlement agreement between the airport and its tenants allowing for a percentage of revenues generated by airport concessions to be utilized by the city of San Francisco for nonairport purposes, prior to the passage of the Airport and Airway Improvement Act of 1982. It is my understanding that the airport owner or operator would remain grant eligible provided the preexisting tenant agreement governing the accounting and disbursing of airport revenues was consistent with the law at the time it was entered into. It is my understanding that there is nothing in the legislation before us that would affect the grant eligibility of an airport owner or operator that had entered into an agreement prior to the passage of the Airport and Airway Improvement Act of 1982.

Mr. LAUTENBERG. The understanding of my colleague from California is correct. The legislation in 1982 was intended only to have a prospective effect, and was not intended to require an airport owner or operator to change a preexisting tenant agreement, which was lawful when entered into, in order to remain eligible to receive airport grants. Similarly, nothing in the present legislation would affect the grant eligibility of an airport owner or operator that had entered into such a preexisting tenant agreement.

HIGH-SPEED GROUND TRANSPORTATION

Mr. GRAHAM. Mr. President, 2 weeks ago, I came to the Senate floor to salute Senator LAUTENBERG for his leadership in including over $107 million for high-speed ground transportation in the Senate transportation appropriations bill for fiscal year 1994. I would like to reiterate that commendation while expressing my deep concern about the final result.

With the chairman's leadership, Congress was preparing to take a landmark step in support of high-speed rail and magnetic levitation transportation. I know that he, and I, and many of our colleagues are firmly committed to making substantial funding available to encourage high-speed train developers to bring their products on line as soon as possible.

Nevertheless, I am disappointed to report that the conferees on this bill eliminated most of the high-speed rail and maglev funding contained in the Senate proposal. What remains is $3.5 million for high-speed rail and $20 million for maglev, restricted to research and development activities.

The Senator from New York [Mr. MOYNIHAN] has a particular interest in maglev transportation, having demonstrated his considerable vision in developing the National Magnetic Levitation Prototype Development Program and being a consistent leader in this area of Federal policy.

Knowing that we share a similar perspective on this issue, we would like to ask the chairman to clarify some of the items contained in the conference report with regard to high-speed ground transportation.

Mr. LAUTENBERG. I would be delighted to do so.

Mr. GRAHAM. I thank the chairman. First, regarding the rail funding, it is my understanding that the conferees chose not to fund the corridor implementation program for high-speed rail because the program itself has yet to be authorized by Congress. Is that understanding correct?

Mr. LAUTENBERG. Yes, as the report language indicates, the conferees recognize the importance of Federal funding for high-speed rail projects but are unwilling to provide that funding without an enacted authorization.

Mr. GRAHAM. That said, is the President's proposal, as embodied in the House committee-reported bill and the legislation introduced in the Senate, consistent with the chairman's vision of a program worthy of substantial Federal funding?

Mr. LAUTENBERG. Certainly. These bills retain the major tenets of the administration's legislation, and it was the testimony regarding that legislation that convinced House and Senate appropriators to consider funding for the bill, once enacted.

Mr. GRAHAM. Many of us are quite hopeful that Congress will take final action on this legislation before the end of 1993. I know the bill has cleared committee in the House and is ready to be marked up in the Senate Commerce Committee.

I am also hopeful that enactment of the high-speed rail measure will be followed by a supplemental appropriations request from the administration to fund the provisions of that bill. The conference report mentions the possibility of approving supplemental appropriations in fiscal year 1994. Given the Senate's proven support for this funding, will the chairman be an active advocate for supplemental fiscal year 1994 appropriations for high-speed rail should the administration plan be enacted?

Mr. LAUTENBERG. Absolutely. I was disappointed that we were not able to preserve the Senate position on this issue in conference. Enactment of high-speed rail legislation will strengthen our argument, with the hope of providing additional funds in the current fiscal year. Importantly, the sooner we move forward with the legislation under consideration in the Senate Commerce Committee, of which I am a cosponsor and strong supporter, the stronger the case we can build for making funding available for high-speed rail on a timely basis.

Mr. GRAHAM. That is a critical point. I am also a cosponsor of S. 839 and am anxiously awaiting action by the Commerce Committee so we can move forward with this important legislation.

Mr. MOYNIHAN. Mr. President, I would like to take a moment to address the maglev provisions of the conference agreement. I share Senator GRAHAM's deep disappointment over the decision not to fund the maglev prototype development program and to eliminate most of the high-speed rail funding.

Once the administration's high-speed rail legislation is enacted, we will have in place a Federal policy governing all aspects of high-speed ground transportation. Maglev is an important component of this plan and can be accurately weighed against the other facets of high-speed ground transportation once the overall policy is enacted.

When the transportation appropriators are reviewing the supplemental appropriations request, I hope they will also include language allowing the Federal Railroad Administration to sue the maglev funds in this bill for the prototype program.

Mr. LAUTENBERG. The Senator from New York is well aware that, for the last 2 years, the Senate transportation appropriations bill has included funding for the Maglev Prototype Development Program. I plan to continue working to fund this important program. If a supplemental appropriations request for 1994 includes funding for the prototype program, I will certainly

consider, again, including funding for the program.

Mr. MOYNIHAN. I thank the chairman for clarifying this matter.

Mr. GRAHAM. I also thank the Senator from New Jersey for his leadership on high-speed ground transportation, and for his time in discussing this issue today.

FIVE-PERCENT BONUS OBLIGATION LIMITATION

Mr. BAUCUS. Mr. President, I would like to clarify the Chairman's intent with regard to the deletion of a provision in the conference report. Is it the chairman's intent that deletion of House language regarding the 5-percent bonus obligation limitation program should not be interpreted by the Department of Transportation to mean that the program should not be available to States in fiscal year 1994? That, in fact, the reference to this program in the Intermodal Surface Transportation Efficiency Act [ISTEA] is sufficient reference to continue the program in fiscal year 1994?

Mr. LAUTENBERG. The Senator is correct. It is not my intention to make the 5-percent bonus obligation limitation program unavailable to States that meet the appropriate requirements in fiscal year 1994. The authorizing statute in the ISTEA is sufficient reference to continue the program in fiscal year 1994.

Mr. BAUCUS. I thank the Senator and congratulate him again on his tremendous work and tireless efforts on this bill.

Mr. SASSER. Mr. President, I rise in support of the conference report to H.R. 2750, the fiscal year 1994 Transportation appropriations bill. I especially wish to commend the chairman of the Subcommittee, Mr. LAUTENBERG, for making tough, balanced choices with a limited amount of funding.

I am pleased that the conference report includes funding for a number of Tennessee initiatives. More importantly, H.R. 2750 recognizes the critical transportation needs across the State of Tennessee, among urban and rural communities alike. And, balancing the transportation needs of today and tomorrow is, indeed, what ISTEA is all about.

The inclusion of section 3 funding for the State of Tennessee will have an immediate and beneficial impact in communities large and small throughout Tennessee. Among the very diverse cities that are included in the State bus funds are: Chattanooga, Clarksville, Gatlinburg, Jackson, Johnson City, Knoxville, Memphis, Nashville, and Pigeon Forge.

In addition, small communities, whose transit needs very often play second fiddle to the big cities, will also be well served through the section 3 bus funding. There are many agencies throughout Tennessee whose tireless efforts in support of safe and effective transportation in rural communities cannot be overstated. Among the specific recipients whose work will be advanced through the State bus funding are: the First Tennessee Human Resource Agency, the East Tennessee Human Resource Agency, the Southeast Tennessee Human Resource Agency, the Upper Cumberland Human Resource Agency, the Mid-Cumberland Human Resource Agency, the South Central Human Resource Agency, the Northwest Human Resource Agency, the Southwest Human Resource Agency, the Metropolitan Inter-Faith Association, Hancock County, and Hamilton County.

Tennessee is also an active partner in the development of the highways of tomorrow. Funding for the Johnson City Intelligent Vehicle Highway System is a critical first step in meeting the State's smart transportation demands of the coming decades.

In that same spirit, the city of Memphis has set in motion a transportation agenda that embodies the highest standards of intermodalism. Funding for the Memphis regional rail plan is an important continuation of a transportation renaissance in the city of Memphis.

There are other aspects of the conference report which will directly and positively impact the State of Tennessee. I believe it is all the more important to continue to make real in transportation the vision set forth in ISTEA. I urge my colleagues to approve the conference report to H.R. 2750.

Mr. BURNS. Mr. President, today the Senate will pass the conference report to the Transportation appropriations bill. While there is funding in here for Montana's transportation needs, I am disappointed at other aspects of the package.

First, the essential air service is just that to Montana—essential. It allows seven airports in my State to remain open. Without these funds, parts of Montana would not be serviced. This year, EAS took a hit—many airports around the country were stripped of these funds. Montana was lucky, none of our airports were on this hit list. However, what will happen next year? Will Montana's EAS destinations be on the list? I cannot support this bill because it decreases the EAS funding by $5 million.

Second, I am disappointed that an amendment I offered regarding cargo preference was rejected. Montana's grain growers are suffering under this inequity. These high transportation costs are limiting the amount of grain which could be moving out of the Pacific Northwest ports. Not only do cargo preference laws severely restrict Montana's exporting capabilities, it is a waste of taxpayer dollars.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the conference report be adopted; that upon disposition of the conference report, the motion to reconsider be laid upon the table, and that the Senate then concur, en bloc, with the amendments of the House to the amendments of the Senate; and that the motions to reconsider be laid upon the table, en bloc, with all of the above occurring without intervening action or debate.

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

Under the previous order the Senate agrees to the conference report and agrees to the amendments en bloc.

The Senate concurred en bloc to the amendments of the House to the amendments of the Senate Nos. 8, 9, 10, 11, 15, 16, 17, 29, 33, 35, 36, 45, 46, 47, 53, 54, 60, 70, 73, 74, 88, 92, 93, 106, 124, 125, 127, 128, 133, 134, 140, 142, 143, 150, 158, 159, 163, 175, 176, 177, 180, 182, 185, and 186 as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 8 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed in said amendment, insert "$2,100,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 9 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $27,066,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 10 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed in said amendment, insert "$1,355,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 11 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed in said amount, insert "$900,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 15 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed in said amendment, insert "$1,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 16 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed in said amendment, insert "$9,232,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 17 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first sum named in said amendment, insert "$4,700,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 29 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

"That of the funds provided under this head, not less than $6,000,000 in work currently scheduled to be conducted at the Coast Guard Yard is to be awarded based upon a competitive solicitation of both public and private shipyards: *Provided further*, That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 33 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$44,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 35 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$41,615,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 36 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: ": *Provided*, That funds received from the sale of the VC-11A aircraft shall be credited to this appropriations for the purpose of acquiring new aircraft and increasing aviation capacity".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 45 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of "section 9199 of Public Law 91-508" named in said amendment, insert "section 9119 of Public Law 101-508".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 46 to the aforesaid bill, and concur with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$2,120,104,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 47 to the aforesaid bill, and concur with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$1,922,104,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 53 to the aforesaid bill, and concur with an amendment as follows:

Restore the matter stricken by said amendment, amended as follows: In lieu of the sum named, insert "$30,262,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 54 to the aforesaid bill, and concur with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$17,590,000,000."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 60 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended) and the National Traffic and Motor Vehicle Safety Act, $75,909,000, to remain available until September 30, 1996.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 70 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$37,613,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 73 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$351,700,000"

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 74 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert "$195,000,000, not to become available until July 1, 1994,".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 88 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment insert "$2,414,867,000" and on page 26, line 13 of the House engrossed bill, H.R. 2750, delete "$1,324,916,000" and insert in lieu thereof "$1,284,960,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 92 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$1,195,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 93 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$1,129,951,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 106 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

"$1,000,000 for the Northeast Ohio Commuter Rail Project;

$500,000 for the South Jersey alternatives analysis;"

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 124 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert "$1,350,000 for alternatives analysis for Cincinnati, Ohio Commuter Rail; and".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 125 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert "$500,000 for Memphis, Tennessee Regional Rail Plan".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 127 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert "$10,000,000 shall be for the South Boston Piers Transitway, $8,500,000 shall be for the Chicago Central Area Circulator Project, $4,000,000 shall be for the Dallas South Oak Cliff LRT Project, $1,000,000 shall be for the Houston Regional Bus Plan Program of Projects, $5,000,000 shall be for the Pittsburgh Busway Projects, $3,000,000 shall be for the Milwaukee, Wisconsin East-West Corridor Project, and $45,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 128 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

INTERSTATE TRANSFER GRANTS—TRANSIT

For necessary expenses to carry out the provisions of 23 U.S.C. 103(e)(4) related to transit projects, $45,000,000, to remain available until expended.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 133 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

LOCK AND DAM NO. 4 BRIDGE

For 80 percent of the expenses necessary for the Lock and Dam No. 4 bridge in Pine Bluff, Arkansas, $4,000,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 134 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

MINEOLA GRADE CROSSING

(HIGHWAY TRUST FUND)

For 80 percent of the expenses necessary for the Mineola, New York grade crossing project, as authorized by Public Law 99-591, $7,800,000, to be derived from the highway trust fund and to remain available until expended.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 140 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first sum named in said amendment, insert "$12,600,000," and

In lieu of the second sum named in said amendment, insert "$1,364,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 142 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$842,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 143 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$1,766,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 150 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first sum named in said amendment, insert "$39,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 158 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert "and $458,629 for the National Commission on Intermodal Transportation authorized by section 5005 of Public

Law 102-240. Amounts for section 5002 and section 5005 of Public Law 102-240 shall be deemed necessary for administration under section 104(a) of title 23, United States Code; and

"(4) Notwithstanding subsection (a), the Secretary shall withhold from initial distribution the fiscal year 1994 Federal-aid highways obligation limitation set aside for Interstate Construction Discretionary projects: *Provided*, That the Secretary shall distribute only after August 1, 1994, such obligation limitation withheld in accordance with this section to those States receiving interstate Discretionary allocations".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 159 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

(d) During the period October 1 through December 31, 1993, the aggregate amount of obligations under section 157 of title 23, United States Code for projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, sections 131(b), 131(j), and 404 of Public Law 97-424, sections 1061, 1103 through 1109, 4008, and 6023(b)(8) and 6023(b)(10) of Public Law 102-240, and for projects authorized by Public Law 99-500 and Public Law 100-17, shall not exceed $302,551,350.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 163 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "324", insert "326".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 175 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 336. None of the funds provided in this Act shall be used to remote radar coverage from the Roswell, New Mexico, airport unless the Federal Aviation Administration shows a significant cost savings by remote radar coverage based upon a cost study applying (1) actual personnel staffing levels used at comparable facilities, and (2) the actual equipment costs based on integration with existing systems rather than acquisition of wholly redundant systems. The Federal Aviation Administration will report back to the House and Senate Committees on Appropriations with an appropriate study not later than December 31, 1993.ca

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 176 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 337. Monies previously appropriated for the Chattanooga fixed rail project out of the section 3 "New Construction" account shall be made available for the Chattanooga electric vehicle project through the "Bus and Bus Facilities" account.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 177 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 338. Funds previously appropriated for Project Breakeven in Portland, Oregon, may, upon application by Tri-Met to the Federal Transit Administration, be expended on the Westside Light Rail Project in the Portland metropolitan region.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 180 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 339. The Administrator of the Federal Aviation Administration, pursuant to the Federal Aviation Administration's participation in the National Implementation Plan for the Modernization and Associated Restructuring of the National Weather Service, shall install seven standard Federal Aviation Administration redundant configuration NEXRAD radar systems, to provide coverage to each of the following areas in Alaska: Anchorage; Sitka; King Salmon; Middleton Island; Fairbanks, Nome; and Bethel: *Provided*, That the Administrator of the Federal Aviation Administration shall submit a study to the House and Senate Committees on Appropriations on the adequacy and effect on aviation safety of installing fewer than nine NEXRAD systems in Alaska.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 182 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 340. (a) The Secretary of Transportation shall permit the obligation of not to exceed $4,000,000, apportioned under title 23, United States Code, section 104(b)(5)(B) for the State of Florida for operating expenses of the Tri-County Commuter Rail project in the area of Dade, Broward, and Palm Beach Counties, Florida, during each year that Interstate 95 is under reconstruction in such area.

(b) The Secretary of Transportation shall permit the obligation of not to exceed $9,000,000, apportioned under title 23, United States Code, section 104(b)(1) for the State of North Carolina for capital improvements for their Rail Impact project in the Interstate 40/85 corridor from Raleigh to Charlotte during reconstruction of Interstate 40/85.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 185 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "348", insert "341".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 186 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "349", insert "342".

CORRECTING TECHNICAL ERRORS IN THE ENROLLMENT OF H.R. 2403

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Concurrent Resolution 48, submitted earlier today by Senator DECONCINI, making corrections in the enrollment of the conference report on H.R. 2403, the Treasury, Postal appropriations bill; that the concurrent resolution be agreed to; the motion to reconsider be laid upon the table and any statements thereon appear at the appropriate place in the RECORD as though read.

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

The concurrent resolution (S. Con. Res. 48) was considered and agreed to as follows:

S. CON. RES. 48

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H.R. 2403), entitled "An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes" the Clerk of the House of Representatives is requested to make the following correction:

In the matter under the heading:

"GENERAL SERVICES ADMINISTRATION
FEDERAL BUILDINGS FUND

"LIMITATIONS ON AVAILABILITY OF REVENUE"

under title IV under the heading "INDEPENDENT AGENCIES" strike out the following proviso: ": *Provided further*, That subject to the exceptions contained in the preceding proviso, in no case shall such funds be made available for any lease, line-item construction, repair, or alterations project referred to in the preceding proviso if prior to February 1, 1994, the lease, line-item construction, repair, or alterations project has been disapproved by the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works" and insert in lieu thereof ": *Provided further*, That subject to the exceptions contained in the preceding proviso, in no case shall such funds be made available for any lease, line-item construction, repair, or alterations project referred to in the preceding proviso if prior to February 1, 1994, the lease, line-item construction, repair, or alterations project has been disapproved by the House Committee on Public Works and Transportation or the Senate Committee on Environment and Public Works".

Mr. DECONCINI. Mr. President, the concurrent resolution currently pending instructs the Clerk of the House to make technical changes to H.R. 2403 during the enrollment of the final bill. The correction would delete a proviso which prohibits the expenditure of funds in H.R. 2403 for line-item construction, repair, or alterations projects if a prospectus has been disapproved by the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works. It inserts a new provisio prohibiting the expenditure of funds in the bill for line-item construction, repair, or alterations projects if a prospectus has been disapproved by either the House Public Works and Transportation Committee or the Senate Committee on Environment and Public Works prior to February 1, 1994.

This correction has been requested by the distinguished chairman of the Environment and Public Works Committee and I am told this change is agreeable to the chairman of the House

Public Works and Transportation Committee and the chairman of the House Appropriations Subcommittee on Treasury, Postal Service and General Government. It resolves a dispute over the authorization of Federal building projects funded in the bill reported from the conference committee. I urge its adoption.

Mr. President, I am pleased we were able to reach agreement on the authorization of Federal buildings. I want to commend the distinguished chairman of the Senate Environment and Public Works Committee and the chairman of the House Public Works and Transportation Committee for achieving a solution to a problem which has created obstacles to the funding process. It is my hope that the House will act expeditiously to consider and approve this correcting resolution when it is received.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1994—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I submit a report of the committee of conference on H.R. 2491 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2491) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices 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 this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 4, 1994.)

Mr. MITCHELL. Mr. President, I ask unanimous consent that the conference report accompanying H.R. 2491, the VA/HUD appropriations bill, be considered under the following limitations; that there be a total time limitation of 35 minutes for debate with the time controlled as follows: 10 minutes equally divided between Senators MIKULSKI and GRAMM or their designees, 10 minutes each for Senators HEFLIN and DOMENICI and 5 minutes for Senator STEVENS; that when the time is used or yielded back, the conference report be adopted; that upon disposition of the conference report, the motion to reconsider be laid upon the table, and that the Senate then concur, en bloc, with the amendments of the House to the amendments of the Senate; and that the motions to reconsider be laid upon the table, en bloc, with all of the above occurring without intervening action or debate, and that any statements appear in the RECORD as if read.

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

Ms. MIKULSKI. Mr. President, I am pleased to present to the Senate the recommendations of the conference agreement on the fiscal year 1994 VA, HUD, and independent agencies appropriations bill for fiscal year 1994.

This year has been the toughest year I have had as chair of the VA–HUD Subcommittee to craft our annual appropriations bill.

We had a tough conference with the House, given the spending constraints under which we had to live. To the extent that we could, we defended the Senate position and I believe that the conference agreement reflects that effort.

It represents a good, solid, bipartisan product of our labors.

We categorized priorities in three ways: Those we must do; those we should do; and those we would like to do. Because of our limited resources, we could only fund those on the must do and should do lists. Those on the we'd like to do list have been postponed for fiscal year 1994.

The conference agreement adheres to the rules which the House and Senate VA–HUD Subcommittees set earlier this year—no funds for unauthorized site specific projects. Nor have we included any report language in support of unauthorized projects. As a result, the conference report is a clean bill because it contains only authorized projects.

Now, let me briefly highlight what is in the conference report.

First, for veterans. The conference agreement provides $35.9 billion for veterans. This includes the $15.6 billion for VA medical care. That's close to a $1 billion increase over the 1993 level.

The bill also includes $252 million for VA research—$46 million more than the budget request—to ensure VA can continue to produce outstanding work in areas like prosthetics, heart disease, and kidney failure.

We have also provided a small increase in general operating activities at VA. This will be used to reduce a claims backlog which is projected to grow to 1 million by the end of 1994. This is absolutely unacceptable. No veteran should be put on hold when he wants an answer to his pension or disability claim request.

For housing, the conference report recommends $25 billion for 1994. It includes: $4.4 billion for CDBG; nearly $1.6 billion for elderly and disabled housing; almost $1.3 billion for the HOME Program; over $500 million for troubled FHA multifamily housing projects: $780 million to tackle severely distressed public housing projects; $723 million for homeless programs; and $265 million for public housing drug elimination grants.

The conference agreement also includes funds for HUD's newly authorized innovative homeless funds, and for assistance to community-based nonprofits to assist in the development of affordable housing.

In the area of the environment, we maintain a strong commitment to protection of our country's natural resources.

The conference agreement recommends $6.6 billion for the EPA, an agency I hope we can soon call the Department of the Environment.

In includes $2.6 billion for EPA's operating programs, including almost $1.5 billion for Superfund in order to clean up hundreds of toxic waste sites nationwide. It also provides $2.5 billion for water pollution cleanup infrastructure.

For science, the conferees included $3 billion for the National Science Foundation, an increase of $272 million. That is an increase of 10 percent over 1993.

We have paid special attention to the needs of science education, and our research infrastructure, in allocating these extra funds. Science education receives $570 million, an increase of $82 million—or 17 percent—over last year.

Science facilities and equipment are funded at $110 million, an increase of 100 percent above last year.

As part of the NSF–DOD operations plan requested by the Senate, the conferees request that this also include a review and updated schedule for the replacement of LC–130 aircraft associated with this program.

To implement the President's national service initiative, the conference committee has included $370 million.

We do not want the new Corporation for National and Community Service to be a large bureaucracy. Therefore, we have capped administrative costs at $25 million, almost 40 percent below the authorized level.

For the space program, we are recommending just over $14.5 billion, including nearly $2 billion requested by the administration for space station development.

The conferees have included report language in the statement of the managers that makes clear we do not expect NASA to propose major policy changes to the conference report in the operating plan.

As my colleagues know, the House has now voted on several occasions to terminate the advance solid rocket motor by a more than 200-vote margin. For this reason, the House defeated the rule on the VA–HUD conference report the week before last.

To reflect this most recent vote, the House added a provision to Senate amendment No. 113 to terminate the ASRM Program outright, and I intend to support that action.

It is abundantly clear that the House will not support this program because of its high cost and questionable technical need. In addition, the administration has not proposed offsets that would provide the $150 million in extra funds which would be needed to keep ASRM on schedule in fiscal year 1994.

I do not want to risk losing the entire conference report, and placing the bill in a year-long continuing resolution. That would jeopardize many important items in this bill and wreak havoc with many essential services like those for veterans medical care. Therefore, I believe the Senate should adopt the provision added by the House to terminate ASRM.

For the Executive Office of the President, the bill includes almost $5 million. Of this amount, $4.45 million is for the Office of Science and Technology Policy.

The conferees are aware of the administration's concern with respect to the current reimbursement policy which requires OSTP to pay for one-half of the cost of detailees. While this policy has been carried in appropriations act since the mid-1980's, the conferees are aware that the OSTP prefers greater flexibility in this area. Therefore, the conferees will consider lifting the current requirement in a later appropriations vehicle.

In the meantime, the conferees are happy to allow OSTP to exceed six detailees to provide it with the flexibility it prefers.

Finally, the issue of our Selective Service System. The conference committee reported out the Senate amendment to restore funding for the Selective Service System in true disagreement.

The House initially called for its termination. But when the full House returned to this issue during consideration of the VA-HUD conference report, the House voted to recede to the Senate position.

I continue to believe that this very important issue should not be decided on an appropriations bill. Rather, it should only be made by the Congress after a recommendation by the President's National Security Council and the Secretary of Defense.

The Pentagon has underway a report on the need for peacetime military registration which I expect will be the basis for that critical decision later in this Congress. We should wait until then to make any such choice on the Selective Service's future.

While we await the completion of that report, the committee strongly believes that the Selective Service needs to address the serious management problems they face which were raised in an independent review of their operations by the U.S. Army Force Integration Agency. It cannot be business as usual at Selective Service if they are going to be as fit for duty as our military forces.

I am very appreciative of the hard work of many people that went toward producing this conference agreement.

In particular, I want to thank the chairman of our full committee, Senator BYRD, and his able staff, led by our full committee staff director, Jim English.

I also want to thank the full committee's ranking member, Senator HATFIELD, and the committee's minority staff director, Keith Kennedy.

I also want to express my thanks to the subcommittee's new ranking member, Senator PHIL GRAMM, for his work this year on the subcommittee. I also want to thank the subcommittee's minority clerk, Stephen Kohashi, and Dick Ribbentrop of Senator GRAMM's personal staff.

Finally, I want to thank the subcommittee's majority staff—Kevin Kelly, Carrie Apostolou, Juanita Griffin, and Lashawnda Leftwich.

In closing, I believe the conference agreement is fair and balanced, and makes tough choices that will help us, to the best we can, meet our social obligations, while helping the United States get ready for the future.

I urge my colleagues to join me in supporting this conference report.

LEAVENWORTH VA FIRE PROTECTION

Mr. DOLE. Mr. President, I would like to bring to the attention of the floor managers of the VA-HUD independent agencies appropriations bill a very serious and troubling situation which has arisen in my home State. The Leavenworth VA Medical Center has recently announced its intention to discontinue fire protection responsibility for the complex, thereby saddling the city with the estimated $485,000 annual cost of this critical service.

I have been in touch with Secretary Brown to see if there was any way to negotiate a reasonable resolution to this matter. It came as a shock to me, therefore, to learn that the Department of Veterans Affairs has apparently broken off discussions with the city, and has threatened to sue the city should it fail to assume responsibility of fire protection to this Federal facility.

Ms. MIKULSKI. The Senator certainly has a right to be upset if the Department is refusing to negotiate such a critical matter with the city. I must confess that neither the Senator from Texas [Mr. GRAMM] nor I have had an opportunity to investigate this issue with the Department, however, we both would strongly urge the Department to negotiate in good faith and with an understanding of the significant burden that such shift in responsibility would have on the city.

Mr. GRAMM. The Senator from Maryland is absolutely correct. While I understand that what is being proposed by the VA in Leavenworth is an arrangement similar to that applicable to other VA facilities, we have not had a chance to review this matter on a comprehensive basis, and I certainly am troubled that the Department would simply walk away from this responsibility without fully working out this change with the city and seemingly without any appreciation of the difficultly that a city would have in assuming such an unexpected new burden.

Mr. DOLE. I would like to thank the floor managers for their support on this important matter. Working with them, I am hopeful that we will be able to secure a reasonable resolution of this dispute between the VA and the city of Leavenworth.

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to comment on title I of the conference report on H.R. 2491, the fiscal year 1994 Departments of Veterans Affairs and Housing and Urban Development, and independent agencies appropriation bill.

Mr. President, I commend the chairs of the respective House and Senate Appropriations Committees and the other conferees who reached the agreement reflected in this conference report. And once again, I especially commend the efforts of Senator MIKULSKI, chair of the VA-HUD-Independent Agencies Subcommittee, and the other members of her subcommittee for making the tough funding choices that were required of them this year.

I am pleased with the fiscal year 1994 appropriations in the bill for the Department of Veterans Affairs. Despite a difficult budget situation, this conference report addresses many of the highest priority VA funding needs, programs that truly deserve to be funded so that we might continue to seek to meet the needs of our Nation's veterans and their dependents and survivors.

Mr. President, I am particularly pleased to note the compromise that the House and Senate reached concerning the appropriation for homeless veterans' programs. I was extremely concerned when the Senate committee increased the funding for these programs by only $5 million above the administration's request, which was $5 million below the House committee's appropriation. In addition, the Senate committee had removed language in the House bill that earmarked increased funding for use under Public Law 102-590, the Homeless Veterans Comprehensive Services Act of 1992. I am grateful that the conference report includes an appropriation of $8 million above the administration's request and reinserts the language earmarking these funds for homeless programs.

This additional funding is desperately needed for programs to assist homeless veterans. Further, it was crucial that these funds be earmarked for some of the very worthy programs authorized under Public Law 102-590, particularly those under sections 3 and 4 which authorize grants to be made to programs to provide services to homeless veterans and for per diem reimbursements to nonprofit and veterans organizations for providing services to homeless veterans. The needs of homeless veterans for medical care and other services are extraordinary; this appropriation and the earmarking language will go a long way toward ensuring that those needs are met.

Mr. President, I also specifically acknowledge that the conference report provides $252 million for VA medical research. Both the House and Senate committees recognized the significant need for this amount of funding—$46 million above the amount requested by the administration and $20 million above the fiscal year 1993 appropriation. This funding level for fiscal year 1994 will provide a very slight increase over the amount appropriated for fiscal year 1993, adjusted for inflation. It also will compensate for 6.8-percent medical inflation since last year, ensure that no ongoing VA research projects are denied funding in fiscal year 1994, and perhaps provide funds for a very small number of new projects.

Mr. President, I note with enormous gratitude that the conference report includes many of the specific requests made by the Senate Committee on Veterans' Affairs concerning the funding of particular items in the medical care account. I would like to recognize that for a number of medical care programs, the conference report provides additional amounts above the administration's budget request. Specifically, I note that the final agreement provides for increased funding above the amounts requested by the administration for the following purposes: First, to reduce the equipment backlog; second, to enhance medical care for women veterans; third, to continue to furnish marriage and family counseling to Persian Gulf war veterans and their families; fourth, to improve and increase post-traumatic stress disorder treatment activities; fifth, to increase funding for readjustment counseling centers; sixth, to increase the number of bedside telephone systems in VA hospitals; and seventh, to expand VA's geriatric and extended care programs.

Mr. President, the appropriation for VA's general operating expenses [GOE] account is highly commendable as well. I urged Senator MIKULSKI to attempt to at least meet the administration's request for GOE. In the face of such a difficult budget climate this year, our committee feared major spending cuts in this area. I am pleased that the final agreement appropriates $3.5 million above the amount requested by the administration.

Mr. President, I applaud the House and Senate appropriations subcommittees and full committees for their fine work on the extremely arduous task of crafting this measure under such tight fiscal constraints. This has been a particularly difficult year, filled with tough fiscal choices, and I do not envy the decision process they faced. However, I am pleased with the provisions in the final agreement that affect VA. With appropriate management, I am confident that in the most critical program areas—medical care, medical research, and claims adjudication—VA will be able to carry out its many important responsibilities to our Nation's veterans.

I especially express my deepest gratitude to my esteemed colleague, Senator MIKULSKI, the chair of the Senate VA-HUD Subcommittee, for her enormous efforts concerning veterans' programs. I truly appreciate the extraordinary spirit of cooperation between our respective committees, during the appropriations process and throughout this year. In a consistent fashion over the years, Senator MIKULSKI has shown strong, unwavering support for veterans' programs and this year has proven to be no exception, as so clearly exhibited by her efforts toward reaching this final agreement.

VA'S MEDICAL RESEARCH

Mr. MURKOWSKI. Mr. President, I support the conference report on H.R. 2491, the fiscal year 1994 appropriation for the Department of Veterans' Affairs. This bill would provide over $36 billion for benefits and services for America's veterans. It would make tangible our Nation's commitment to the American men and women who once wore our Nation's uniform and who now look to VA for compensation for their disabilities and treatment for their illnesses.

Every budget requires difficult decisions and VA's 1994 budget request was no different. Last spring, I was particularly disappointed when the President apparently viewed VA's medical research budget as piggy bank from which to transfer funding to other programs; rather than as an investment in the future of our country and her veterans.

In an era of increasing costs, the budget we received last spring would have actually reduced VA's already strained research budget by $26 million, over 10 percent. If that request had been accepted without change by the Congress, VA's research effort would have been substantially reduced. I am now particularly pleased that both the House, and the Senate proposed to reverse that decision by increasing VA research funding by $20 million. The conference report now before this body reflects a decision by both bodies of the Congress to respond to the importance of VA research to America, and to veterans, by increasing the funding available to VA researchers.

The increase is good for veterans. It means that VA will continue to attract the high quality medical professionals who are drawn to a research environment and who are essential if veterans are to receive high quality medical care from VA.

The increase is good for America. It means that VA researchers will continue the cutting edge research that has already earned two Nobel prizes for VA researchers. Few Americans know that VA researchers played an integral role in developing the CAT scan or a cure for tuberculosis. Few Americans are aware of VA's current place at the forward edge of the state of the art in disciplines as diverse as geriatrics, spinal cord injury, and AIDS research.

The ability to increase our Nation's store of medical knowledge is an invaluable, but perishable, asset. The budget we received last spring would have led to a deterioration of that asset. The VA appropriation now before this body will help sustain its asset so that VA researchers can continue their mission of service to veterans and America. I urge my colleagues to join me in support of the appropriation.

THE ASRM FACILITY

Mr. HEFLIN. Mr. President, I ask that I be allowed to enter into a brief colloquy with the distinguished Senator from Maryland.

Ms. MIKULSKI. I would be pleased to enter into a colloquy with the senior Senator from Alabama.

Mr. HEFLIN. Mr. President, I have, as the Senator from Maryland knows, always been an outspoken supporter of the Advanced Solid Rocket Motor Program. I still believe it represents a leap forward in safety and reliability compared to the old rocket motor and that its increased lift capability is crucial if we are to go to the higher orbital inclination. I hope that with the termination of the ASRM, the committee will not abandon its efforts to increase the safety of the current system.

Ms. MIKULSKI. I assure the Senator that I remain fully committed to pursuing programs that increase the safety and reliability of the shuttle system.

Mr. HEFLIN. A great deal of our $1.5 billion investment in the ASRM Program has gone into the Yellow Creek site. As you recall, this site was purchased from the Tennessee Valley Authority which had made over $300 million in improvements to the property. The ASRM facility construction is over 90 percent complete and would have been finished this fiscal year. These state-of-the-art facilities represent a valuable asset of NASA and the Nation. Many of the buildings, such as the administrative complex, are general purpose in nature. Other buildings are

suitable for any large manufacturing process. I therefore feel it would be fiscally irresponsible to just abandon our investment without first investigating the possibility of alternative uses. I have had various NASA contractors come to me with a number of proposals to use the plant, including—refurbishing old solid rocket motors, to manufacture the new RSRM nozzles, to build the proposed aluminum-lithium tank, and to manufacture new composite cases for the existing solid rocket motor. I hope the Senator from Maryland will support NASA if it comes forward with a realistic and economically feasible plan to use the facility for future projects.

Ms. MIKULSKI. I fully recognize the large investment made by this country in the Yellow Creek facility and I too feel that this investment should, if possible, be utilized. I will therefore encourage NASA to carefully study the possibility of alternative uses for site and will keep an open mind on any reasonable proposals to make use of this facility.

STAFFORD LOAN FORGIVENESS DEMONSTRATION PROGRAM

Mr. DANFORTH. Will the Senator from Maryland, the chair of the Appropriations Subcommittee for VA, HUD, and Independent Agencies, yield for a colloquy?

Ms. MIKULSKI. I will be happy to yield to the Senator from Missouri.

Mr. DANFORTH. I note that the conference agreement on the fiscal year 1994 VA, HUD, and independent agencies appropriations bill does not include funds to implement section 428J of the Higher Education Act of 1965. As the distinguished Senator from Maryland knows, this section of the Higher Education Act was included in last year's reauthorization of the act, and authorized the Department of Education to provide up to $10 million for a Stafford loan debt forgiveness demonstration program. The goal of the program was to provide some incentive for nonprofit volunteer organizations to induce young people to participate in their work because it gives them the chance to provide these volunteers with a post-service benefit.

The original Senate-passed version of the VA-HUD appropriations bill would have provided $9 million through the Corporation for National and Community Service to begin this program in fiscal year 1994. My intent, and that of the other sponsors of the original Senate amendment, was to mitigate any potential negative effects on ongoing volunteer programs as a result of the President's broader National Service Initiative. Could the Senator from Maryland indicate why no funds were retained in conference for this provision?

Ms. MIKULSKI. I would be happy to explain the rationale behind the conference action.

First, we operated under enormous fiscal constraints during the recently completed VA-HUD appropriations conference. As the Senator knows, the Senate voted 55 to 45 to reduce the appropriation for national service by $21 million from what was recommended by the Committee on Appropriations. In fact, the Senator from Missouri supported that cut when it was voted upon by the full Senate. However, I also note that the Senator from Missouri and the Senator from Arkansas reduced the scope of their original amendment to accommodate this lower figure.

The conferees faced extraordinary fiscal limits on what could be made available for the President's National Service Initiative. Neither the full- and part-time service, service learning, or civilian conservation corps programs are funded at their fully authorized level by the conference agreement.

Second, the administration expressed strong objections to the conferees about including funding for the section 428J from within appropriations made available to the Corporation. They believe service organizations who are advocates of the section 428J program are eligible for funds on a competitive basis through full- and part-time service opportunities provided by the Corporation.

Third, as the Senator knows, the program's authorization under the Higher Education Act authorizes appropriations only under the Department of Education, not the newly formed Corporation for National and Community Service. Therefore, explicitly including funds for this purpose in the final VA-HUD bill the conferees believed would have encroached on the jurisdiction of the Appropriations Subcommittee for Labor, Health and Human Services, and Education. The conferees were reluctant to alter the jurisdiction for this program since the National and Community Service Trust Act of 1993 retains jurisdiction for the 428J program with the Department of Education. I am aware of the fact that the recently enacted National and Community Service Trust Act of 1993 was the vehicle which accelerated section 428J's effective date. Nonetheless, the conferees believed the program remains under the jurisdiction of the Department of Education.

Fourth, the House strongly opposed including funds for this program in the VA-HUD bill.

And fifth, and finally, the Department of Education has not even issued regulations to implement this program. They are awaiting departmental clearance at the OMB at this very moment. As a result, it is not clear that any funds could be obligated for section 428J in fiscal year 1994, and how any Department of Education regulations could be legally used by the newly formed Corporation for National and Community Service to implement section 428J.

So it was for these technical and fiscal reasons that we avoided earmarking funds for section 428J, not because of any malice toward the program's intent. In fact, those organizations' programs which would benefit under the section 428J program have a long track record of service for many worthwhile activities, and are part of our Nation's substantial community service network.

Would the subcommittee's ranking member concur in my view on the subcommittee's action?

Mr. GRAHAM. I would completely concur in the views of the subcommittee chair on this matter.

Mr. DANFORTH. I recognize the concerns of the Senator from Maryland, and that there were many factors which led to the conferees' decision on this issue. I would like to explain my rationale for pursuing this amendment.

Small charitable organizations, often religious charities contacted me and told me that their support for the national and community service legislation was predicated on an assurance that they would receive $10 million in Stafford loan forgiveness for their volunteers. These groups are worried about a new, governmentally created corporation which would disadvantage them by giving grants benefiting only certain charitable causes. These groups want some protection. While I still think these organizations are going to be adversely affected by national service, I believe that they should at the very least get the small amount of protection that was included in the national service authorizing legislation. I will have more to say about this at a later date.

In relation to the other concerns indicated by the distinguished Senator from Maryland, had I been a member of the House-Senate conference, I would have strongly objected to the decision which the conferees reached. However, I do not want to delay the expeditious completion of the Senate's consideration of this conference report.

Therefore, I wonder if the Senator from Maryland, as the chair of the subcommittee and one of the key architects of the President's National Service Initiative, would be willing to consider supporting a reprogramming of funds in the Corporation's fiscal year 1994 operating plan to initiate a series of section 428J demonstration initiatives this fiscal year?

Ms. MIKULSKI. I would be willing to consider supporting such a reprogramming, subject to the following conditions.

First, such an initiative would have to be proposed by the Corporation. As I understand it, the Corporation's new Chief Executive Officer, Eli Segal, has agreed to propose a $3 million reprogramming for a series of section 428J demonstrations in fiscal year 1994.

Second, when the appropriate reprogramming is submitted by the Corporation, it would have to have the concurrence of the House VA, HUD, and Independent Agencies Subcommittee. I am not able to make a commitment for them at this time, but would be willing to urge them to concur in the reprogramming at the appropriate time.

Third, the scope of the reprogramming would be for $3 million to provide for approximately 3,000 slots, at the maximum authorized benefit level of 15 percent of a participant's Stafford loan indebtedness for the first year. This would amount to a first-year cost of approximately $1,000 per person under the 428J program for fiscal year 1994. This estimate is based upon the average Stafford loan obligation per person of approximately $6,500–$7,000. This is an extraordinary level of commitment, given that the conference report only provides post-service benefits for 2,000 VISTA participants under the National Service Initiative. Since the 428J program does not yet even have any regulations, it is not clear to me that obligating funds for 3,000 service opportunities is administratively possible. Nevertheless, I would be fully supportive of efforts by the Corporation to try and reach this level in fiscal year 1994.

And fourth, this initial action by the Corporation on the section 428J program would commit the committee to the program for only fiscal year 1994. As my distinguished colleagues from Missouri and Arkansas know, we cannot make commitments about future year appropriations bill until they are before the Committee on Appropriations for consideration.

Mr. DANFORTH. I thank the Senator from Maryland for her willingness to accommodate us on this issue, and agree with her assumptions on the scope and intent of any reprogramming. My willingness to abstain from offering an amendment to the conference report is based upon assurances I have received from Ele Segal, CEO of the Corporation for National and Community Service.

Mr. BUMPERS. I would concur in the views of Senators MIKULSKI, GRAMM, and DANFORTH. I would like to insert into the RECORD at this point two letters from Mr. Segal, the CEO of the Corporation for National and Community Service, outlining the Corporation's commitment on this issue for both fiscal year 1994 and the upcoming fiscal year 1995 budget process. I share Senator DANFORTH's view that my willingness to refrain from offering an amendment on this issue at this time, is conditioned on the assurances made in these letters. I also want to acknowledge the tireless work of the distinguished senior Senator from Rhode Island, Senator PELL, the chairman of the Subcommittee on Education, Arts and Humanities on this matter.

In addition, Mr. President, I am a member of the Labor, Health and Human Services, and Education Appropriations Subcommittee. I have spoken with the chairman of that subcommittee. We both believe it is appropriate for this program to be funded in the VA–HUD bill. I realize that the chair of the VA–HUD Subcommittee does not concur in that analysis.

I ask unanimous consent that the letters referred to be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE,
Washington, DC, October 21, 1993.

Hon. JOHN DANFORTH,
U.S. Senate.
Via facsimile.

DEAR SENATOR DANFORTH: Thank you for your call this afternoon, regarding the proposed Stafford loan forgiveness program, and the concerns certain non-profit organizations have advanced with you that funds have not been appropriated for that purpose.

It is a concern we share. We have been working diligently to ensure the broadest possible participation in national service, across all streams of service.

Toward that end, we will submit to the Appropriations Committees a reprogramming request of $3 million for a Stafford loan forgiveness program. I will also work through the regulatory process, and elsewhere, toward ensuring that those who participate in FY '94 will not be cut off arbitrarily due to a lack of appropriations. This should enable a significant number of participants to benefit from the program envisioned by Section 428J of the Higher Education Act of 1965.

In addition, I will recommend and work for a $9 million program for the Section 428J program for FY '95, subject to the normal budgeting and substantive review processes that would apply to any demonstration program.

I look forward to continuing to work with you on this matter in the months ahead.

Sincerely,

ELI J. SEGAL,
Chief Executive Officer.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE,
Washington, DC, October 21, 1993.

Hon. DALE BUMPERS,
U.S. Senate.
Via facsimile.

DEAR SENATOR BUMPERS: Thank you for your call this afternoon, regarding the proposed Stafford loan forgiveness program, and the concerns certain non-profit organizations have advanced with you that funds have not been appropriated for that purpose.

It is a concern we share. We have been working diligently to ensure the broadest possible participation in national service, across all streams of service.

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I look forward to continuing to work with you on this matter in the months ahead.

Sincerely,

ELI J. SEGAL,
Chief Executive Officer.

NASA

Mr. DOMENICI. Mr. President, I would like to take a few minutes to engage in a colloquy with the distinguished chairman and ranking member.

Within the funds for NASA, the conference report directs a reduction from the NASA ground terminal at White Sands, NM.

Ms. MIKULSKI. Mr. President, that is correct. The conference report reflects the sentiment of the conferees that we are not proceeding with the TDRSS replenishment new start at this time. The conference agreement reflects a specific reduction in the operating costs at both headquarters and the ground terminal.

Mr. DOMENICI. Mr. President, owing to my concern with the intent of the conferees, Senators BINGAMAN, GRAMM, and I wrote NASA Administrator Goldin asking for an agency assessment of the technical feasibility of operating cuts such as those which the conferees have reached. His response raises possible concerns and I ask unanimous consent to enter Mr. Goldin's letter into the RECORD at this point.

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

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, DC, October 15, 1993.

Hon. PETE V. DOMENICI,
U.S. Senate, Washington, DC.

DEAR SENATOR DOMENICI: Thank you for your letter of October 7, signed jointly with Senators Bingaman and Gramm and Congressmen Skeen, McDade and Lewis, regarding direction concerning NASA's Space Communications activities included in the Conference Report (House Report 103–273) accompanying H.R. 2491, the VA-HUD-Independent Agencies appropriations bill. The Report directs that $11 million [be taken] as a general reduction from space communications, including a reduction of $8.6 million from space communications operations activities at headquarters and at the NASA ground terminal."

We are currently assessing the impacts of an $8.6 million reduction directed at Headquarters support activities for Space Communications and Ground Terminal operations. As you may know, NASA is already actively endeavoring to reduce costs of Headquarters support activities in general, and we expect to absorb reductions in Headquarters support for Space Communications, among other areas. Clearly, however, a directed appropriations reduction of $8.6 million would require a decrease in activities at the NASA Ground Terminal in White Sands, New Mexico, as well. We recognize the important role of the White Sands Ground Terminal in the operation and maintenance of

the Tracking and Data Relay Satellite (TDRS) system, and hope to avoid undue impacts of reductions in Ground Terminal funding. We are evaluating how NASA might absorb a portion of the reduction specified in the Conference Report in other elements of the Space Communications program, if necessary. If it is determined that an alternative distribution of the reductions is preferable for the most effective conduct of Space Communications activities, NASA will propose such an approach in the FY 1994 operating plan.

With respect to the TDRS Replenishment program, I note that the Conference Report deletes requested FY 1994 funding "without prejudice." We are actively studying the cost, schedule, and capability requirements to ensure continuity of vital U.S. on-orbit space communications availability through the TDRS replenishment program. As the Conference Report suggests, NASA will address the results of our studies in this regard and timing of procurement activities in the forthcoming FY 1994 operating plan.

NASA is committed to maintaining the viability of TDRSS. I appreciate your support of NASA's space communications activities and would be pleased to discuss this matter in greater detail.

Sincerely,

DANIEL S. GOLDIN,
Administrator.

Mr. BINGAMAN. Mr. President, Mr. Goldin's letter states that NASA recognizes the importance of the White Sands Ground Terminal in the operation and maintenance of the tracking data relay satellite system [TDRSS] and stresses the agency hopes to avoid undue impacts of reductions in ground terminal funding.

Mr. DOMENICI. Mr. President, I would like to ask the conferees an important question on this matter. Is it the subcommittee's intent to eliminate any flexibility by the Administrator of NASA with regard to the operating budget at the White Sands location?

Mr. GRAMM. Mr. President, the potential technical problems which the Administrator mentions creates a very limited opportunity for us to assess whether the agency could faithfully implement the clear direction of the conferees. That would come at a later date in the form of a reprogramming or when the agency's operating plan is forwarded to us in the next few months.

Ms. MIKULSKI. Mr. President, that is correct.

Mr. DOMENICI. I thank the distinguished chairwoman and ranking member.

OXYGENATED FUELS

Mr. STEVENS. Mr. President, I want to thank those involved in the 1 year oxygenated fuel time-out for Alaskans. The time-out is contained in the conference report accompanying the fiscal year 1994 VA, HUD and independent agencies appropriations bill.

Chairman MIKULSKI, Senator GRAMM, Congressman STOKES. and Congressman LEWIS had the patience to allow Senator MURKOWSKI and me to include the solution in the context of their bill.

Senator BAUCUS and Senator CHAFEE helped in the Senate to clear this amendment to address the needs of Alaskans. Chairman DINGELL and Congressman WAXMAN accommodated us in the House.

I am grateful to them for a hearing the voices of Alaskans. I know it was difficult to find a balanced solution, but they were fair.

This solution to the oxygenated fuels problems of Alaskans was needed because fuels with high oxygen content are required by the Clean Air Act. They are required to reduce carbon monoxide emissions, something I agree should be done.

A plan to limit carbon monoxide emissions was agreed to in the Clean Air Act and an aspect of the plan involved use of so called oxygenated fuels in carbon monoxide nonattainment areas.

One type of oxygenated fuel, MTBE, was used in Alaska last winter. Incidentally, last winter was the first year these fuels were required under the Act.

Alaskans had trouble with this fuel and hundreds in Anchorage and Fairbanks reported health problems—vomiting, dizziness, lightheadedness, headaches, shortness of breath, inflammation—associated with fueling vehicles or driving.

The Centers for Disease Control, at the request of the State of Alaska, investigated these health complaints. The CDC used very sophisticated equipment to measure MTBE in blood samples and found MTBE in varying levels in the blood.

As reported to the Appropriations Committee, results of CDC's preliminary studies—and I emphasize preliminary—showed a correlation between the amounts of MTBE in the bloodstream and the health complaints. The studies did not conclusively show a cause and effect relationship between MTBE and the health complaints. This is one reason why more studies are necessary.

The agreement we reached for a 1 year exclusion of oxygenated MTBE fuel in Alaska will allow further studies in ultracold temperatures such as we experience in Alaska.

I understand that the EPA has substantially more research from the South 48 on which to base health conclusions. EPA stated it has no existing basis on which to question the continued use of MTBE; the studies requested by this report should address whether there now is a basis as demonstrated by the CDC and Stanford, CT study to rethink MTBE.

I ask my friend, the Senator from Maryland, who has been so helpful in getting this provision through the conference, and to whom I have repeatedly expressed my personal gratitude for her steadfast support, if this interpretation is shared by the conferees.

Ms. MIKULSKI. Mr. President, yes it is. Alaskans had a real problem with MTBE and the Senator from Alaska reached an agreement with House and Senate authorizers and appropriators on an acceptable solution. I am glad I was able to help.

Mr. STEVENS. Mr. President, the EPA and CDC should cooperate on a risk assessment. The risk examined from MTBE and other oxygenates needs to be examined by these agencies to provide the facts so people know the relative impact of various oxygenated fuel options.

Our agreement grants a 1-year exemption for Alaska from Clean Air Act section 211(m) requirements and the resultant possibility that highway funding sanctions might be imposed for not enforcing the oxygenated fuel mandates of the Clean Air Act. Alaskans are creative; we are already looking for alternatives to MTBE.

Again I thank all involved for helping us try to find a long-term solution to the problem. I add a special thanks to Carol Browner and the EPA for their concern, consideration, time, understanding, and help in solving the problem this year.

ALASKA OXYGENATED FUELS PROGRAM EXEMPTION

Mr. MURKOWSKI. I support the language agreed to by the conference committee. No funds may be used during fiscal year 1994 by the Environmental Protection Agency [EPA] to enforce the use of methyl tertiary monoxide butyl ether [MTBE] fuel in Fairbanks or Anchorage. This allows State and local officials to still use MTBE if they choose. The report language directs EPA, in conjunction with Alaska, to conduct further tests on MTBE to resolve the health effect uncertainties.

This has been a long process. There are many reasons for not using MTBE. The Governor canceled the program in Fairbanks on December 11, 1992, after a surge of health complaints including headaches, nausea, vomiting, dizziness, disorientation, and other medical complications.

We asked the EPA if they had studied the possible health risks and the possibility of increased air toxics emissions associated with the use of MTBE in Arctic temperatures. The EPA had not conducted the proper cold weather tests. We insisted then and we insist again that EPA conduct the appropriate studies.

Alaska is most prone to exceed carbon monoxide standards during November through March—temperatures hit 50 degrees below zero. The studies have not been conducted with the proper cold weather control factors. This amendment provides time for the proper tests. The report language is added urging State of Alaska and the EPA to fund the proper tests.

The State epidemiologist and the Centers for Disease Control and Prevention [CDC] link MTBE with health complaints. Alaska's epidemiologist

had determined that Alaskans should not be subject to oxygenated fuels until further definitive studies have been conducted. A study conducted by the CDC reinforces the State's concerns—blood samples from Fairbanks residents showed those with highest concentrations of MTBE in their systems had the most serious health complaints.

Health risks aside, MTBE may not reach the desired goal of carbon monoxide emission reductions at subarctic temperatures.

Alaska does not have a serious air quality problem. In 1992, Anchorage and Fairbanks were out of compliance only 2 days each. In 1993, without MTBE, Fairbanks was out of compliance only 2 days. We expect to be in compliance soon without MTBE due to our first-rate inspection and maintenance programs, typical automobile fleet turnover, and the cold start program which puts new vehicle standards for carbon monoxide emissions into effect this model year.

Overall, MTBE use did not result in a net health benefit. The cure was worse than the problem.

EPA REQUIREMENTS FOR MONITORING OF CATHODICALLY PROTECTED STEEL TANKS

Mr. HARKIN. Mr. President, I would like to inquire of the Senator from Maryland, the chairwoman of the VA-HUD and Independent Agencies Appropriations Subcommittee, whether she would agree to join me in a colloquy.

Ms. MIKULSKI. Mr. President, I would be pleased to accommodate my colleague from Iowa.

Mr. HARKIN. Mr. President, I would like to discuss with the Chairwoman the issue of the monitoring of cathodically-protected underground storage tanks.

Cathodically protected underground storage tanks provide three-way corrosion protection: A corrosion resistent coating, electrical isolation, and anodes pre-engineered to prevent external corrosion on any of the tank's exposed metal surfaces. This third element enables these underground storage tanks to be cathodically-protected.

Current EPA requirements state that single-wall cathodically-protected steel tanks must be monitored within 6 months of installation and at least every 3 years thereafter. Such monitoring measures how well anodes attached to the tank are working to prevent external corrosion.

Records show that more than 200,000 of these tanks have been installed since 1969 and only 7 tank incidents possibly due to external corrosion were on record. In addition, the Steel Tank Institute hired a firm to audit a cross-section of tank owners owning 8,000 tanks. Of that cross-section, only three instances of external corrosion were reported. Only one actual pollution incident, caused by improper installation of the underground storage tank system, turned up. That translates into a pollution-incidence rate of 0.04 percent. This contrasts with statistics which forecast a 19.5-percent failure rate from a database of almost 100,000 unprotected bare steel tanks.

No instances of external corrosion failure of these cathodically-protected steel tanks, called sti-P3 tanks in the industry, properly transported and installed has ever occurred. This includes nearly all sti-P3 tanks installed prior to the promulgation of EPA regulations in 1988.

The EPA has exempted other new technology tanks from additional monitoring requirements because of a low failure rate. In fairness, the sti-P3 underground storage tank should receive the same exemption.

Tank purchasers consider cathodic protection monitoring every 3 years and the associated recordkeeping requirements costly and this affects their future tank selection. Because no additional monitoring of other systems' design is necessary, tank owners find it easier to purchase these other designs—even though these other designs do not have the environmental benefits of cathodic protection.

I believe that the EPA should look at the whole picture: the effect of its regulations on what tanks are actually purchased and the environmental strengths of those tanks. By requiring a higher level of testing for cathodically protected steel tanks, they are placed at an economic disadvantage to other tanks which do not have to be tested periodically. This regulatory monitoring requirement for cathodically protected tanks actually hurts the environment by driving tank purchasers to other less proven technologies that do not have cathodic protection. I believe that the EPA should amend the post-installation monitoring mandate to require a test only at the time of installation or if an excavation is disturbed by construction or retrofit activity. This would also place the sti-P3 on a level playing field with other recognized technologies. Otherwise, the use of this technology may die because of an unbalanced regulatory policy.

Ms. MIKULSKI. The committee is concerned about the fairness of Environmental Protection Agency requirements for cathodically protected steel tank monitoring. Current EPA requirements call for monitoring within 6 months of installation and at least every 3 years thereafter.

As the Senator from Iowa has stated, this is the only EPA-approved tank technology subjected to confirmation of the design's performance.

I believe that EPA should move as rapidly as possible towards a final decision on the testing requirements, considering the comments and data presented as well as the comparative regulatory requirements for other types of tanks.

MTBE

Mr. BAUCUS. I would like to make one comment and ask a question regarding the conference agreement on amendment numbered 85. This section would limit the use of funds by the Environmental Protection Agency to enforce the requirements of section 211 (m)(2) of the Clean Air Act that require the use of methyl tertiary butyl ether [MTBE] to meet the oxygen requirements of that section. I agree with Senator STEVENS, the sponsor of this provision, that the Centers for Disease Control has raised questions about the possible adverse health effects of the use of MTBE in motor fuels. In fact, people in my home state of Montana have reported ill effects apparently as a result of the MTBE added to their fuel. There have been complaints of illness associated with the use of MTBE in several other states too, including New York and New Jersey. I commend Senator STEVENS for his work on this amendment, and Senator MIKULSKI for her assistance in retaining it in the bill.

I want to clarify one point contained in the conference report. The report states that the conferees intended for EPA to conduct further MTBE studies and resolve uncertainties regarding the health effects of the use of MTBE in fuels. Although the bill language regarding the restriction on funds applies only to Alaska, it is my understanding that the EPA studies on the health effects of MTBE will focus on the risks regarding MTBE to the extent they exist in other states as well.

Ms. MIKULSKI. The Senator from Montana makes a good point. I believe that there are advantages to a broader study of the health effects of MTBE and I will work with the Senator and EPA to achieve that result.

Mr. STEVENS. Mr. President, we have specific concerns with respect to use of MTBE in Alaska which need further study and the report language allows those to be investigated. I do not object to other states and areas being included in the study by EPA.

If Montanans or others with potentially similar problems want to be included, then I think they can be under the terms of the conference agreement. The study provision was intended to make sure the EPA focuses on getting to the bottom of the MTBE complaints. It is in the best interests of everyone to get to the bottom of this.

I want to add one further note of clarification. The studies done in Fairbanks were preliminary. They did not conclusively link MTBE with health ailments.

Rather the CDC found an interesting correlation between those with the highest blood levels of MTBE and those with the most health complaints. The CDC conclusion, and I talked personally with Dr. Ruth Etzel of the CDC about this, was that the correlation

from a scientific standpoint warranted further investigation.

Mr. BAUCUS. I thank Senators MIKULSKI and STEVENS for that clarification. I believe that there is a real need for EPA to conduct the necessary research to ascertain the safety of the use of MTBE in motor fuels.

ADVANCED SOLID ROCKET MOTOR PROGRAM

Mr. COCHRAN. Mr. President, I am saddened to see the amendment from the other body terminating NASA's Advanced Solid Rocket Motor Program. The Senate vote in support of this valuable program was the right vote, but unfortunately the House is firm in its opposition. Recognizing the depth of the opposition in the House, my colleagues and I do not plan to prolong this impasse by seeking to overturn the other body's amendment. I would like to thank the distinguished managers of the bill, Senator MIKULSKI and Senator GRAMM, for their steadfast support of this program. I would also like to thank my colleagues, particularly Senator LOTT and Senator HEFLIN, for their hard work here. Given the amount of work that has gone into the Government-owned Yellow Creek facility, as well as the improvements made in the local community to support it, I hope there will be an opportunity for NASA to reexamine and redefine the role of the Yellow Creek facility.

Mr. LOTT. Mr. President, I too rise to thank the managers of this bill for their leadership in support of the ASRM Program. This program is a good and important program for many reasons, and their recognition of the need for the ASRM is appreciated. There has been a massive commitment of resources to the Yellow Creek facility by the Federal Government, as well as by the State of Mississippi and the local authorities in Mississippi—schools, roads, other infrastructure. This commitment of resources should not go unused. May I inquire of the distinguished manager of the bill, Senator MIKULSKI, if she supports alternative utilization of the Yellow Creek facilities?

Ms. MIKULSKI. Mr. President, the investment that has been made in Yellow Creek—by the Federal Government as well as by the good people of Mississippi, Alabama, and Tennessee—should not be squandered if an economically and technically viable use can be found. NASA now has a facility as modern as any in its inventory, very near completion. Senator COCHRAN was correct in suggesting that NASA reexamine and redefine the role of Yellow Creek, and there is nothing in the bill or conference report which precludes NASA from finding appropriate alternative uses for Yellow Creek. I strongly encourage NASA to study this question, and hope to hear from the agency shortly on its progress.

Mr. COCHRAN. Mr. President, the Senate has done everything it can do in support of this program, thanks to the work of Senator MIKULSKI, Senator GRAMM, and others in this chamber. I thank my colleagues for their support, and hope that a way can be found to utilize Yellow Creek to the benefit of the Government and the people of Mississippi, Alabama, and Tennessee so this investment is not wasted.

ASBESTOS SCHOOL HAZARD ABATEMENT PROGRAM

Mr. SIMON. Mr. President, as my colleagues remember, when this bill was first considered on the Senate floor, funding for the Asbestos School Hazard Abatement Program was restored by a vote of 68 to 31. I am disappointed that, in the conference, the Senate did not get its will on this issue. However, I know that the conferees had difficult decisions to make, and that they did not take this decision lightly.

In the debate on my asbestos amendment, my colleague from Maryland, Ms. MIKULSKI, who has done an admirable job in putting this appropriations bill together, talked about the need for a risk-based approach to hazards. For example, in many schools the hazards of lead exposure, particularly for very young children, is severe—probably more severe than many of the asbestos abatement projects that schools have undertaken. I am interested in how my colleague would respond to a proposal for a more general program at the Environmental Protection Agency that would help States address the greatest environmental hazards in their schools, whether that happens to be lead, or asbestos, or radon, or some other hazard.

Ms. MIKULSKI. I not only would respond positively to that approach, I would be glad to work with my colleague to develop just such a program. As we both noted in the debate on the school asbestos amendment, we are not accustomed to being on opposite sides of any issue, particularly an issue that involves schools. But perhaps we were not on opposite sides; we were just approaching the same issue of school hazards from a different perspective. I welcome the opportunity to work with my colleague, as well as with the chairman of the Education Subcommittee, who I know is interested in this issue as well, to address the environmental hazards that children face in their schools.

Mr. PELL. Mr. President, I wish to thank both my colleagues for their attention to this important matter. I look forward to joining them in developing a program that will give schools both the technical and financial assistance they need to remedy environmental hazards in their buildings. If we are to foster healthy, active young minds, we must safeguard and promote the physical health and well-being of our children. Toward that end, we must ensure a safe, healthy environment in our Nation's schools. Childhood exposure to lead is of particular concern, as such exposure can literally rob a child of his or her intellect.

Again, I thank my colleagues for clarifying this issue and I look forward to continuing to work with them to address environmental hazards in our schools.

Mr. SIMON. I thank both of my colleagues for their leadership.

RESEARCH TRIANGLE PARK, NC

Mr. FAIRCLOTH. Mr. President, I had earlier planned to offer an amendment to the conference report on the VA-HUD appropriations bill. My amendment would have prevented the EPA from continuing to fund design and planning of a proposed building in Research Triangle Park, NC.

However, I was pleased to learn that the Senate has regained authorization authority over public buildings through the Environment and Public Works Committee. The House agreed to a resolution in conjunction with Treasury, Postal appropriations, which specifies that the Public Works Committees of either House can halt a public building with a resolution of disapproval of that project.

In that light, I do not think it is necessary to amend the conference report. Rather, I would like to engage in a colloquy with the managers of the bill, and ask their intentions in regard to EPA budget appropriations for planning of the new facility.

Environment and Public Works may not approve this project. It does not make sense to me that EPA should continue to spend taxpayer money for blueprints, and so forth, of a facility that may never be built. Does the Senator from Maryland agree that the EPA should quit wasting money on this project until the Environment and Public Works Committee has approved the project?

Ms. MIKULSKI. Mr. President, because the authorization and appropriation process for the construction of Federal buildings has undergone significant revision since our conference, I believe it would be prudent for the EPA to wait for the Environment and Public Works Committee to pass a resolution of approval of this project before obligating the $3 million made available in the VA-HUD bill for this project.

Mr. GRAMM. Mr. President, I agree with the Senator from Maryland. The EPA should wait for the Environment and Public Works Committee's disposition of this issue and if the GSA is prohibited from continuing this project, it would certainly be my view that the EPA should consider alternative uses for the $3 million.

Mr. FAIRCLOTH. Mr. President, as majority and minority managers of the bill before us, do the Senators agree that if the Environment and Public Works Committee does not approve or authorize this project, that decision calls into question the viability of the project, and that the EPA should not allocate funds for the EPA/RTP?

Ms. MIKULSKI. Mr. President, I would agree that it makes little sense for EPA to proceed with obligating the $3 million in additional design funds for the RTP consolidation if the $8 million in additional design funds provided for the same purpose in the Treasury-Postal bill is not available in fiscal year 1994.

Should the Environment and Public Works Committee take such an action, which calls into question the future viability of this project, I would expect that future alternative uses of the $3 million would be addressed in the EPA's operating plan that will be submitted to the Committees on Appropriations for review and approval.

Mr. President, I look forward to hearing the comments of my ranking minority member. I would like to thank my staff on the VA-HUD bill for all they have done to move this bill in an expeditious way, and the staff of the ranking minority member, and the ranking minority member himself. It is very much appreciated.

I have one regret, and that is the ASRM had to be deleted. I know the Senator from Alabama wants to speak on it. We will work with the people of Alabama and Mississippi in helping those people who have lost their jobs in that area.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, it is a pleasure to join Senator MIKULSKI, chair of our subcommittee, in recommending to the Senate the conference agreement on the VA-HUD, and Independent Agencies appropriations bill for fiscal year 1994.

Consideration of this measure was very difficult because of the heavy demands and expectations made of programs within the broad jurisdiction of the subcommittee, coupled with the constraints on discretionary spending in our budget allocation.

The bill as recommended totals $68.3 billion. This is $1.3 billion less than the President's budget request, and the same level appropriated for these programs last year.

The conference agreement provides the $1.946 billion requested by the President for the space station. Because of the major redesign and the recently announced intention to broaden Russian participation in the program, funds are fenced to assure that all scientific and cost changes meet current program goals. This is within an overall NASA budget that is $700 million less than the administration's request.

The largest increase, by far, is provided for discretionary activities of the Department of Veterans Affairs. Medical care alone will receive a 7 percent increase and on top of that, the recommendation adds a $500 million contingency appropriation to address requirements of national health care reform which may be enacted in the future.

Investment in basic research activities of the National Science Foundation are proposed for a 10-percent increase. This will continue this critical investment in developing the technologies which will drive our economy into the next century.

The conference agreement reflects the policy of avoiding site-specific earmarks and sharply limits legislative provisions, reversing practices which have been heavily criticized in the recent past. I would note, however, that continued constraint in this regard is dependent on timely enactment of needed legislative measures and effective executive branch administration of programs to meet priority concerns of the Congress.

Mr. President, the hour is late, and we have a lot to do. Let me just say this. I have enjoyed working with our distinguished chairman, BARBARA MIKULSKI. She is one of the smartest, toughest Members of Congress. She does a great job, and I am proud to have been her ranking minority member on this bill.

I yield back the remainder of my time

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

OXYGENATED FUELS

Mr. STEVENS. Mr. President. I want to thank those involved in the one year oxygenated fuel timeout for Alaskans. The timeout is contained in the conference report accompanying the fiscal year 1994 VA, HUD, and Independent Agencies appropriations bill.

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I ask my friend, the Senator from Maryland, who has been so helpful in getting this provision through the conference, and to whom I have repeatedly expressed my personal gratitude for her steadfast support, if this interpretation is shared by the conferees.

Ms. MIKULSKI. Mr. President, yes it is. Alaskans had a real problem with MTBE and the Senator from Alaska reached an agreement with House and Senate authorizers and appropriators on an acceptable solution. I am glad I was able to help.

Mr. STEVENS. Mr. President, the EPA and CDC should cooperate on a risk assessment. The risk examined from MTBE and other oxygenates needs to be examined by these agencies to provide the facts so people know the relative impact of various oxygenated fuel options.

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Again, I thank all involved for helping us try to find a long-term solution to the problem. I add a special thanks to Carol Browner and the EPA for their

concern, consideration, time, understanding, and help in solving the problem this year.

Mr. President, I want to thank personally the Senator from Maryland, Senator MIKULSKI, for what she has done to help us in Alaska on a serious issue in this bill, and also the Senator from Texas. I do include Congressman STOKES and Congressman LEWIS for their patience with me, in particular on this bill. They have been very understanding.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

ASRM

Mr. HEFLIN. Mr. President, I rise to address the issue of the advanced solid rocket motor in regard to the conference report. I appreciate the statement that the distinguished chairman of this subcommittee just made and her willingness to work in regard to the future.

Mr. President, I will not repeat the various arguments that have been made in support of the ASRM, other than to briefly summarize some of them. There is no question in my mind that the safety of our astronauts and the safety of the shuttle should dictate the decision that the ASRM be completed and used. The fact that it would cost more to terminate than to complete, regardless of whether it is or is not used in putting the space station in orbit, is still a valid argument. The issue of whether or not the Russians will participate in the space station program is, to a large extent, dependent on the use of the ASRM. These arguments were persuasive in defeating the effort to terminate the ASRM in the Senate a few weeks ago.

The battle this year is not the first one that we have had on the ASRM. It is actually the fourth year in which the House of Representatives failed to provide adequate funding for the ASRM, and the Senate has had to come to its rescue and then provide the funds in conference. Actually, the Senate has kept the ASRM program alive up until now.

It is rather clear that the House of Representatives will not support the ASRM Program this year. It is a fact of life and we must recognize it. Five times this year the House has voted against funding the ASRM. First, an amendment to strike all funds for the ASRM from the appropriations bill received an overwhelming vote of 379 to 43. Then, an effort was made to try to save the facility and use the facility for other space endeavors, thereby saving jobs. It was to be done through an arrangement by which the nozzle work, and the refurbishing of used solid rocket motors that have been retrieved from the ocean, would be undertaken at the Yellow Creek location. This was likewise defeated by the House in the authorization bill by a vote of 303 to 111. However,the Senate approved funding for the ASRM in its appropriations bill and the conference committee approved funding. When the conference report was presented to the House, the House rejected the report on the basis of the funding for the ASRM by a vote of 305 to 123. The fifth vote was just a day or so ago when the House approved a measure, by a vote of 401 to 30, which eliminated funding for the ASRM, and distributed the funds among other programs. Despite heroic efforts by Congressmen JAMIE WHITTEN, BUD CRAMER of Alabama, TOM BEVILL, and others—SONNY MONTGOMERY, of Mississippi—it is clear that the vast majority of the Members of the House are dead set against the ASRM.

The issue comes down to What can the Senate do? Frankly, we must first ask the question, What if the Senate voted to fund ASRM again either by voting down the conference report or making an amendment thereto? If we did that, what would be the outcome? I repeat the question: What if the Senate voted to fund ASRM again, either by voting down the conference report or making an amendment thereto? I think it is perfectly clear that regardless of what the Senate does the House will never go along with funding the ASRM.

Frankly, a win in the Senate at this time on the ASRM would be no win at all. It would face certain death when returned to the House. The fact of life is that the House of Representatives will not vote to fund ASRM. As much as I hate to admit it, ASRM is dead.

Are there some advantages for the Yellow Creek site by adopting the conference report? Yes, I think so. The adoption of the conference report is really the best hope that we have to make use of the facility at the Yellow Creek site in the future.

The Yellow Creek site can be used in connection with many space activities. It could well be used in upgrading the present RSRM to enhance its safety and to enhance its lifting power. The facility could be used in conjunction with other types of activity that are closely related, like nozzle work on the RSRM and other nozzle work. It could be used to refurbish the spent RSRM shells after they are retrieved from the ocean. The facilities could further be used in connection with the possibility of building an aluminum lithium tank. The use of the facility would benefit the space program and be a cost saver. It can be used in many other ways other than what I have mentioned.

The language of the conference report that is before us today does not prohibit the use of the facilities at the Yellow Creek site in connection with these types of activities. It is silent in that regard. If you will recall, in the House authorization bill, they voted to prohibit the completion of the facilities and to prohibit the use of the facilities for such activities. I am fearful that if the Senate voted to go back to conference, the end result would be that the House would insist on a prohibition against such uses of the facility. As it stands now, I do not believe that it is worth that gamble.

I have had discussions with numerous officials about the future of the Yellow Creek site. I believe these officials will endeavor to make use of the facility in a way that will benefit the space program, save money in the long term, and provide jobs. It would require only $32 million to complete the facility. It is scheduled to be completed by December 31, 1993, only a few short months away. From the assurances that I have received from numerous officials, I believe there is a strong probability that the facility can be used in the space program. Estimates regarding jobs to be saved at the Yellow Creek location run as high as 1,000. That would of course, depend on the type of use that is made of the Yellow Creek facilities if such use is made and what is conducted therein. So we will have to wait and see relative to that.

Under the circumstances, I do not believe that we can accomplish anything by trying to put an amendment on to this conference report or to take other procedural actions relative to ASRM. It would be an exercise in futility. It is a fact of life that the House of Representatives will never vote to include it in any final legislation that is passed. Therefore, it appears to me that the proper course of action on this bill is to cut our losses and try to use the Yellow Creek site to benefit the space program, save money, and provide jobs in the future.

So under the circumstances, I do not feel that we in the Senate should endeavor at this time to defeat the conference report and to make any amendment thereto.

Mr. COCHRAN. Mr. President, will the distinguished Senator yield to me for a response to his statement?

Mr. HEFLIN. I certainly will.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Alabama for his statement and his comments and also for his hard work in helping to ensure that this program was carefully considered in the Senate; that the Senate supported it, voted on a record vote to continue the program, but in recognition of the reality of the House action to kill this program as configured and defined in the original legislation makes it impossible for us to continue to hold the Senate up on this issue but, rather, to proceed to examine alternatives.

In that connection, I wish to observe that the Senator from Alabama has been very involved, as have other Senators, in trying to assure that NASA explores every opportunity to use the investment which has already been made in this important facility. About $1.5 billion in Federal funds has already

been committed to this site, to the construction of this new and modern rocket motor plant. It would be a disaster of immense proportions not to use it for something. We have been assured that NASA will.

I wish to thank the distinguished Senator for his remarks and for his leadership and let him know we appreciate the cooperation and the effective work he has done in support of this program.

Mr. HEFLIN. I thank the distinguished Senator from Mississippi. He has been heroic in his efforts and has worked tirelessly, as has the other Senator from Mississippi, Mr. LOTT. Their efforts in this regard have for 4 years enabled us to keep this project alive. The House would not provide funding for it.

I particularly wish to thank the distinguished chairman of the subcommittee and his staff for their cooperation, and the distinguished Senator from Texas, who is the vice chairman of the committee, and his staff for their work. They have worked with us in this regard.

The Senate did vote to fund it, and in conference they provided the funding, but the House has turned it down. As I outlined earlier, they have voted now five times, and I think you just have to come to the recognition that in a two-house legislative body you have to have both bodies to support legislation and appropriations. Obviously, they are not going to do it. So regardless of what we do in the Senate, unfortunately, it is dead and I admit it.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Under the previous order, the conference report is agreed to. The Senate concurs en bloc in the House amendments to the Senate amendments and the motions to reconsider en bloc are laid upon the table.

The Senate concurred en bloc to the amendments of the House to the amendments of the Senate Nos. 38 and 113, as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 38 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following:

For the urban revitalization demonstration program under the third paragraph under the head "Homeownership and Opportunity for People Everywhere grants (HOPE grants)" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993, Public Law 102-389, 106 Stat. 1571, 1579, $778,240,000, to remain available until expended: *Provided*, That notwithstanding the first proviso in such third paragraph, the Secretary shall have discretion to approve funding for more than fifteen applicants: *Provided further*, That no part of the foregoing amount that is used for the urban revitalization demonstration program shall be made available for an application that was not submitted to the Secretary by May 26, 1993: *Provided further*, That of the foregoing $778,240,000, the Secretary may use up to $2,500,000 for technical assistance under such urban revitalization demonstration, to be made available directly, or indirectly under contracts or grants, as appropriate: *Provided further*, That nothing in this paragraph shall prohibit the Secretary from conforming the program's standards and criteria set forth herein, with subsequent authorization legislation that may be enacted into law: *Provided further*, That of the $778,240,000 made available under this heading,

$20,000,000 shall be made to eligible grantees under the urban revitalization demonstration program, to implement programs authorized under subtitle D of title IV, and of which, $10,000,000 shall be made for youth apprenticeship training activities for joint labor-management organizations pursuant to section 3(c)(2)(B) of the Housing and Urban Development Act of 1968, as amended.

INNOVATIVE HOMELESS INITIATIVES DEMONSTRATION PROGRAM

For the innovative homeless initiatives demonstration program as authorized by section 2 of the HUD Demonstration Act of 1993, $100,000,000, to remain available until expended.

CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING

For the capacity building for community development and affordable housing program as authorized by section 4 of the HUD Demonstration Act of 1993, $20,000,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 113 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following:

: *Provided further*, That, pursuant to Public Law 102-486, an amount equal to not more than 50 percent of all utility energy efficiency and water conservation cash rebates received by the National Aeronautics and Space Administration may be made available for additional energy efficiency and water conservation measures, including facility surveys: *Provided further*, That none of the funds provided in this Act to the National Aeronautics and Space Administration shall be available for other than termination costs of the advanced solid rocket motor program.

Notwithstanding any other provision of this Act, the amounts appropriated in this Act for fiscal year 1994 shall be: $4,853,500,000 for the National Aeronautics and Space Administration "Space flight, control and data communications", $517,700,000 for the National Aeronautics and Space Administration "Construction of facilities", $7,529,300,000 for the National Aeronautics and Space Administration "Research and development", $1,480,853,000 for the Environmental Protection Agency "Hazardous substance superfund", $1,998,500,000 for the National Science Foundation "Research and related activities", and $110,000,000 for the National Science Foundation "Academic research infrastructure".

MORNING BUSINESS

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HEFLIN. Mr. President, if the distinguished Senator from South Carolina will give me 10 seconds, I will make a unanimous-consent request.

Mr. THURMOND. Mr. President, I have no objection.

Mr. HEFLIN. Mr. President, I ask unanimous consent there be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

TRIBUTE TO COLSTON LEWIS

Mr. DOLE. Mr. President, I rise today to pay tribute to my friend, Colston "Choke" Lewis, who passed away recently at the age of 81.

Choke Lewis not only saw a lot of history during his 81 years, he made some history, as well.

As a pioneering civil rights attorney in Richmond, VA, in the 1950's, Choke served as a consulting attorney to the NAACP, where his assignments included assisting on some of the major civil rights cases of our time, including Brown versus Board of Education.

In 1970, President Nixon would recognize Choke's commitment to equality by appointing him to the Equal Employment Opportunity Commission.

I became acquainted with Choke during my service as Chairman of the Republican Party in the early 1970's. Choke served as Virginia's national committeeman, and he helped to spread the message that the doors of the Republican Party were open to all Americans.

But perhaps Choke's biggest contributions were to the people of his beloved Richmond. Chairman of the Richmond Electoral Board, trustee of the Second Baptist Church, member of the Richmond Chamber of Commerce and the Richmond Industrial Development Authority—Choke never tired of working to build better neighborhoods and a better city.

Choke not only believed in the promise of America, but he was also willing to risk his life for his country, receiving the Purple Heart for wounds he received during World War II.

Mr. President, Choke Lewis was a man who loved his family, his city, and his country. He will be greatly missed, and I know all Members of this body join with me in extending our sympathies to his wife, Glenyce, his son, Colston, Jr., and his entire family.

SALUTE TO JOHN CRUTCHER

Mr. DOLE. Mr. President, it is always a privilege to pay tribute to Kansans who are deserving of special recognition.

Today, I have the special privilege of recognizing John Crutcher, who besides

being an outstanding public servant, is also a longtime friend of mine.

I salute John because today is his last day as a member of the United States Postal Rate Commission. First appointed by President Reagan over 11 years ago, John's Kansas common sense has served the Commission and Americans very well.

Just this morning I noticed a headline in a business publication stating, "Postal Watchdog Retires." The article highlighted John's tireless efforts to increase productivity and keep costs down at the Postal Service.

John's service on the Postal Rate Commission completes a long and distinguished career of service to Kansas and America—a career which began in the U.S. Navy, where John served during World War II and the Korean war.

I first got to know John when we entered Kansas politics at about the same time. After first serving in the Kansas State Senate, John was twice elected as our Lieutenant Governor.

John came to Washington in 1970, when President Nixon named him as the Director of the Division of State and Local Government in the Office of Equal Opportunity.

Before his appointment to the Postal Rate Commission, John also served as my administrative assistant for 2 years, as Director of the Bureau of Outdoor Recreation in the Department of the Interior, and as a member of the National Transportation Policy Study Commission.

I know that my colleague Senator KASSEBAUM joins with me in thanking John for his many years of service to his country, and in wishing John and his wife, Edie, best of luck in the days and years ahead.

TRIBUTE TO THE SUNFLOWER SISTERS

Mr. DOLE. Mr. President, I rise today to pay tribute to a remarkable group of women who have helped to meet the spiritual needs of Kansas for the past 100 years.

It was in the fall of 1983 that three sisters from Red Bud, IL, first stepped on Kansas soil to teach at St. Teresa's Parish School in Westphalia, KS.

Since then, more than 400 Kansas women have followed in their firststeps. Officially known as the "Sister Adorers," these women earned the special Kansas nickname of the "Sunflower Sisters" because of their unique fluted habits.

Now headquartered in Wichita, the Sunflower Sisters have ministered in more than 100 communities and parishes in Kansas, and currently serve in 22 dioceses in the United States and Korea.

Whether the mission is health care, serving those in need, educating our youth, or caring for the elderly, Sister Adorers have made a positive difference in so many ways to so many people.

The centennial of the Sister Adorers is being celebrated this fall in 18 Kansas communities with celebratory prayer services.

I know all the Members of the Senate join me in saluting the Sister Adorers on their centennial anniversary, and I know that their tradition of serving others will continue for many years to come.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,405,120,107,183.66 as of the close of business yesterday, October 20. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is $17,145.95.

CONGRATULATIONS TO JACK HYNES

Mr. KERRY. Mr. President, it gives me great pleasure to share my thoughts on this evening's tribute to Jack Hynes and his remarkable achievements in the field of broadcast journalism. Jack Hynes has always been a unique man, one of truly extraordinary vision, integrity, dignity, and courage.

Jack is held in the highest regard not only for his straightforward reporting of the news, but also for the lofty standards and unwavering ethical principles on which he invariably has based his conduct. Objectivity coupled with a steadfast commitment to report the truth are the benchmarks of his highly principled approach to disseminating the news.

Boston has been most privileged that Jack chose to remain here throughout his 38 years of broadcasting excellence. His example is one to be followed and aspired to; his fine reputation as both a broadcaster and a man has inspired tonight's celebration, just as his enthusiasm and initiative will continue to serve to motivate current and future broadcasters to make valiant strides in their field. Such a legacy should bring great pride to Jack, his family, and those fortunate enough to be his colleagues.

I regret I cannot attend the celebration for Jack tonight, as it would be both a pleasure and an honor to share directly with him and his family this most richly deserved tribute, but I join in complimenting and congratulating him.

ROBERT B. HENDRIX RETIREMENT

Mr. BOND. Mr. President, my colleague Mr. DANFORTH and I would like to give special recognition today to a man who has personified professionalism in his chosen field. The man of whom we speak, Robert B. "Bob" Hendrix, president of the Cape Girardeau Chamber of Commerce, will be retiring in the very near future, but before that we would be remiss if we did not recognize the significant impact he has had on many Missourians.

No stone has gone unturned in his desire to serve his fellow man. Whether it be his tenure in the U.S. Navy, director of legislation and civil affairs with the Springfield Chamber of Commerce, executive manager of the Hannibal Chamber of Commerce, manager of the Washington Chamber of Commerce, or his final mission as president of the Cape Girardeau Chamber of Commerce, this great man has always set standards for others to follow.

Few men have done more to cultivate economic opportunity than Bob Hendrix has with the Cape Girardeau Chamber of Commerce. Since 1972, his inspiring work has led to economic expansion in Cape Girardeau County that has resulted in thousands of jobs. Today, the Cape Girardeau Chamber of Commerce is a vibrant community-based organization seeking to mobilize the public and commerce in programs and activities designed to improve the quality of life.

Many would be satisfied with this lifetime of monumental accomplishments in commerce, but not Bob Hendrix. To the contrary, this man has sought to reach out and serve humanity through volunteer civic, religious, academic, and other humanitarian acts in benevolent support of the community.

In light of all these accomplishments, if anyone of you were to meet Bob Hendrix on the street today and ask him how things were, you would likely hear the Hendrix cliche, "If I were any better I would have to be twins." This inspirational attitude has brought about decades of achievement reaching far beyond what many hope to achieve in their lifetime.

This great democracy which we all cherish has been preserved and embellished because of great Americans like Bob Hendrix. It is our hope that, with God's blessing, he will continue to champion that special spirit, and will remain forever appreciated for his unselfish commitment to Missourians.

BLUE RIBBON OUTSTANDING SECONDARY SCHOOL—BISHOP DENIS J. O'CONNELL HIGH SCHOOL

Mr. NICKLES. Mr. President, I rise today in recognition of Bishop Denis J. O'Connell High School for their excellence in education. O'Connell High School has been designated by the Department of Education as a "Blue Ribbon Outstanding Secondary School." The Blue Ribbon Award is the Department of Education's school recognition award which signifies excellence in

education and calls attention to remarkably successful public and private schools.

O'Connell High School's overall education philosophy is summed up in their motto—"Commitment to Excellence." It is dedicated to providing diversity and consistency in excellence, in developing a caring-sharing educational community, and producing young gentlemen and women who seek to expand their horizons and develop their unique capabilities.

Its particular academic strengths lie in progressive investigations into the worlds of science, math, social studies, foreign languages, and fine arts. Its students are offered ample challenging opportunities through 26 honor courses, 16 advanced placement courses, and a wide selection of electives ranging from principles of debate, and psychology, to Russian. The academic program is energized by O'Connell's Christian Service Program and is enriched by 27 academic extracurricular activities, 15 service organizations, 3 publications, and 44 athletic teams in 17 sports.

Fortunately situated within the geographic locale of the Nation's capital, O'Connell utilizes these as extended classroom and faculty, cognizant of the America 2000 strategy for communities as places where learning happens. At the same time, it attempts to inculcate in the students both a sense of gratitude for the richness in opportunities afforded them in the classroom and community, and a sense of dedication to giving back to others, especially the needy, aged, and homeless, in service.

As a student leader aptly summed it up:

> At O'Connell we have so much offered us; it's hard to single out only one thing. But when it domes down to what makes O'Connell unique, it's that we all care for each other.

O'Connell High School is a testimony to the imagination and dedication that mark education reform efforts around the country. O'Connell's outstanding leadership has demonstrated the key ingredients that create an excellent learning environment for high school students. For their discipline and dedication to educational excellence, O'Connell's faculty and students deserve our highest congratulations.

FRANK RAINES IS CUTTING COSTS FOR MANY HOME BUYERS

Ms. MOSELEY-BRAUN. Mr. President, 2 years ago, a good friend of mine, Frank Raines, became Vice Chairman of the Federal National Mortgage Association. An article in the Friday, September 24, American Banker entitled "Fannie Mae Exec Determined to End the Paper Chase" details the innovative work he is doing to cut costs for many potential home buyers.

The article sets out how he is trying to speed up the mortgage process and cut the cost of originating a mortgage and purchasing a home by perhaps as much as $1,200, or 50 percent, for lenders. The article states that these "lower costs would be passed on to consumer, and would also make it easier for lenders and Fannie to increase lending for affordable housing."

I want to commend Frank Raines for this important work. I'm pleased, but not at all surprised, that he is pursuing innovations that cut costs for potential home buyers and encourage more lending for affordable housing.

Mr. President, I ask unanimous consent that the entire American Banker article be printed at this point in the RECORD.

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

[From the American Banker, Sept. 24, 1993]

FANNIE MAE EXEC DETERMINED TO END THE PAPER CHASE

(By Snigdha Prakash)

WASHINGTON.—In the hush of his office at Fannie Mae, with its high ceiling and oak floors, Frank Raines is plotting a revolution.

His goal is to overthrow the inefficient, paper-intensive ways of the mortgage industry. Instead, he wants to install an industrywide computer system that electronically links all the market participants, including the Federal National Mortgage Association itself.

Fannie Mae's vice chairman is by no means the first in the mortgage industry to preach the gospel of so-called seamless processing. The industry has fretted for years about the paperwork that weighs it down.

But Mr. Raines, 44, is the most powerful figure in the industry to make technological improvement a top priority.

Since arriving at Fannie two years ago from Lazard Freres & Co., where he was a general partner in municipal finance, Mr. Raines has thrown himself headlong into the initiative.

BIG COST SAVINGS SEEN

If he succeeds, the entire loan origination process will speed up greatly. And, according to estimates by Fannie Mae, lenders could see their average cost of originating a loan fall by more than 50 percent to $1,200.

Lower costs would be passed on to consumers, and also would make it easier for lenders and Fannie to increase lending for affordable housing.

Exactly what does Mr. Raines have in mind?

He wants lenders to bypass pen and paper and enter borrower information directly into computer, then share it electronically with everyone else who participates in the mortgage process.

Currently, such data is keyed and rekeyed more than a dozen times as lenders, insurers, appraisers, servicers, and others put it into their computer systems, which often are incompatible.

"The vision is * * * simply—can you find a way to get information in digital form at the earliest possible date?" Mr. Raines said in a recent interview.

The system would then "keep it in that form and allow [participants] to use it for whatever purpose—origination, prospecting, underwriting, quality control, servicing, delivery, secondary marketing—whatever the purpose that they have."

The theory behind an industrywide system may be simple, but its execution is not, Mr. Raines has found.

"DIFFERENT FOCUSES"

"It requires standards across a lot of people who have different focuses." Mr. Raines said.

As the largest single participant in the mortgage market. Fannie Mae has tremendous leverage as it proceeds with the project.

Chances are good that if the system is well designed, it will be widely used in the industry.

The company is now designing prototypes, and Mr. Raines said substantial pieces of the technology would be out in the next two or three years.

While the arch-rival Federal Home Loan Mortgage Corp. also is looking to eliminate inefficiencies in the primary market, it has no project comparable to Fannie Mae's.

"We want to have technology that is widely accessible to hundreds or thousands of people," said Fannie Mae's chairman, James Johnson.

"We believe the industry is at a point that it can make very substantial strides" in the use of technology.

Better technology will help Fannie's bottom line by improving the crucial link between Fannie and the banks, thrifts, and mortgage bankers who sell their loans to the company, Mr. Raines said.

A number of lenders, however, are concerned about how the technology system will affect the competitive dynamics in the industry.

Some for example, worry that through its technology project. Fannie is actually preparing to compete with them in making loans directly to consumers.

These lenders point out that Fannie, in mapping out its plans, has been studying lenders' origination systems in minute detail.

Does Fannie really want to operate such systems itself?

Mr. Raines, for his part, said Fannie harbors no ambition to get into the primary market.

"I can tell you that since I've been here, we haven't spent five minutes talking about the relative benefits of being in the origination business," he said.

"What we know is the secondary market. We know the wholesale end of the business. We don't see what value-added would bring in the origination end of the business, especially when the business has got all these thousands of competitors out there," he said.

COUNTRYWIDE SEES A THREAT

Meanwhile, giant lenders like Countrywide Credit Industries worry that Fannie Mae's technology will render their own innovations obsolete, or at least dilute their value.

Countrywide, based in Pasadena, Calif., has helped lead the industry in automating the origination and underwriting process.

Angelo Mozilo, Countrywide's vice chairman, is concerned that his company will lose the technological edge that it has fought for if Fannie brings out its own system.

"I thought I had made a solid investment" in technology, but now it doesn't seem that way, he added.

Once Fannie's system is in place, Mr. Mozilo fears, he will have to dismantle his own system to get the same advantages as his competition.

Mr. Raines delicately dismisses Mr. Mozilo's fears.

"I think there's some kind of romancing of technology as a permanent competitive advantage," he said.

IT'S HOW YOU USE IT

What will count in the future is not whether you have technology, but how you use it, he said, as there's nothing to stop lenders from putting their unique stamp on Fannie's system.

Fannie is designing a flexible system that will meet industry standards now being drawn up. (See accompanying article.) Loans generated on the system could be sold to both Fannie Mae and Freddie Mac.

But plenty of logistical problems lie ahead.

For example, mortgage servicers use big mainframe computers that manipulate masses of information about the same loans every month.

Originators use personal computers to plug in new information each time they make a loan.

Says Mr. Raines: "Typically, what happens is people say: I want the data in my way, only my way. And so you get a lot of fragmentation.

"How do you make your seamless approach fit all these systems that people have developed over the years?"

So will Mr. Raines succeed in putting out an industrywide system with Fannie's stamp?

At Freddie Mac, they're not losing any sleep.

"The mortgage industry is very, very old. It didn't originate overnight. It's something that can't be done in a short period of time," said Richard D. Bryan executive vice president of operations at Freddie.

"I don't think you'll see just one or two utilities [industrywide computer systems] in this market. It's too large," he said.

But Washington lawyer Vernon E. Jordan Jr., a Raines fan, has been in the foxhole with Mr. Raines a couple of times in the past few years—first when they worked on the transition effort of Washington Mayor Sharon Pratt Kelly, and recently on Bill Clinton's transition team.

He's sure Frank Raines will come through.

"He will master it. He will complete his task," said Mr. Jordan.

"He's a strategic thinker. He thinks long and deep, and he's a solid doer."

DEADBEAT AT THE UNITED NATIONS

Mr. MOYNIHAN. Mr. President, today the Senate adopted the conference report on the Commerce-State-Justice appropriations bill. There are many important initiatives contained in that legislation which have my strong support.

However, the conference committee has taken a number of steps concerning the international legal obligations of the United States toward the United Nations which are deeply troubling. In 1983 Charles Lichenstein, a Reagan administration official, invited the United Nations to leave New York:

> If in the judicious determination of the members of the United Nations, they feel that they are not welcome and that they are not being treated with the hostly consideration that is their due * * * then the United States strongly encourages such member states seriously to consider removing themselves and this organization from the soil of the United States.* * *
>
> We will put no impediment in your way * * * The members of the U.S. mission to the United Nations will be down at dockside waving you a fond farewell as you sail into the sunset.

Such is the sad state of the knowledge of even American geography today that one had to point out to Mr. Lichenstein that this would have been difficult, as the sun in that vicinity sets over Hoboken, NJ, and not the Atlantic Ocean.

Mr. President, the conference committee has taken a number of steps in the Lichenstein mode. It has eliminated the fourth of five payments on our arrearages. This five payment schedule is not something President Clinton dreamed up. It was one of the top foreign policy priorities of the Bush administration which was vigorously urged on the Congress by Secretary Baker. The conference committee also mandated that the United States withhold 10 percent of the U.S. mandatory contribution until the United Nations creates and fills an Office of Inspector General. I strongly support the creation of an Office of Inspector General at the United Nations. Some contributions to U.N. agencies are voluntary. These are not. The United States has already made a binding commitment to pay its annual assessed contribution. It embraced this commitment as "the supreme Law of the Land." It debases our own respect for the sanctity of law—not to mention the credibility of our solemn commitments in the eyes of other nations—when we summarily violate the law. No one forced this obligation upon us. The U.N. Charter and the treaties related to it are our handiwork. Largely. Confirmed by the Senate.

Mr. President, there is much that desperately needs improvement at the United Nations. I am willing to work with any of my colleagues to bring about changes. Through legal means. This is not such. It further exacerbates the status of the United States as the leading deadbeat at the United Nations. Not Syria. Not South Africa. Not a prostrate Russia. But the last remaining superpower on earth. Which will not pay its voluntarily accepted debts.

Mr. President, the United States will have more authority to insist upon the changes needed at the United Nations once it has paid this debt.

USE OF FORCE

Mr. PELL. Mr. President, we are at the end of several days in which it has been crystal clear to us all the perils our young service personnel face in Somalia and the importance that problem has assumed for all of us. Bosnia and Haiti—so different in the issues they pose and so far apart—pose similarly important issues with regard to military involvement and the use of force abroad.

It makes no sense for us to address these issues on a piecemeal or ad hoc basis. They must be decided in the framework of agreed rules and guidelines satisfactory to both the Congress and the President.

If we leave matters as they are, we face the uninviting prospect of an executive too bound up by problems of the moment to propose clear policies and objectives. In the midst of such uncertainty, we would have many Members tempted to flock to the Presidents' support when he is popular, if not wise, and to abandon him if he is wise, but not popular. That is not the way for a great Nation to find its course in the world. When our military people stand ready to go when and where asked and to do what the Congress and the President might require, we must do our absolute best not to fail them.

The lessons of Somalia, Haiti, and Bosnia have underscored the need for a careful review of the relationship between the Congress and the President with respect to the use of force. I support the resolution introduced by the distinguished majority leader. As chairman of the Committee on Foreign Relations, with jurisdiction under Senate rule XXV 1(j)(1) over intervention abroad, declaration of war and relations of the United States with foreign nations generally, I will work with my colleagues on the committee to conduct such a review.

The events of the past few months have served as unfortunate reminders of the controversy, perhaps unnecessary, which erupts over the direction of the foreign policy of our country when meaningful consultation between the executive branch and the Congress—who should be partners in the formulation of important foreign policy objectives—fails to reflect the constitutional responsibilities of the Congress.

I have applauded President Clinton for the degree to which he has reached out to Members of the Congress on recent crises as they have arisen, particularly the extraordinarily candid and forthcoming session held with the President on Somalia recently.

Nevertheless, as important as such consultations are during moments of crises, there is an urgent need to assure that meaningful consultation with Congress occurs at all levels of the executive branch in the formulation of foreign policy initiatives—particularly those initiatives which could result in commitments by the United States that might later result in the use of force. The Framers of the Constitution desired to ensure that the collective judgment of both the Congress and the President should be brought to bear in decisions to engage U.S. forces in hostilities or situations leading to them.

As Commander in Chief, the President has undisputed command of the Armed Forces and may respond to an attack upon the United States. There is also authority for the proposition that he may act to safeguard American lives and property abroad.

The Constitution confers upon the Congress, however, the power of the purse to provide for the common defense of the country, to declare war, to raise and support armies, to provide and maintain a Navy and to make rules for the Government and regulation of the land and naval forces.

Between these powers conferred upon the President and the Congress by the Constitution are many areas of ambiguity. In 1973 Congress passed the War Powers Resolution, Public Law 93–148, over the veto of President Nixon to clarify the constitutional authority for the use of force and the respective roles of the President and the Congress.

Briefly, the War Powers Resolution states that the President's powers as Commander in Chief to introduce U.S. forces into hostilities or imminent hostilities are exercised only pursuant to: First, a declaration of war; second, specific statutory authorization; or third, a national emergency created by an attack on the United States or its forces. It requires the President in every possible instance to consult with Congress before introducing American Armed Forces into hostilities or imminent hostilities unless there has been a declaration of war or other specific congressional authorization. It also requires the President to report to Congress any introduction of forces into hostilities or imminent hostilities, section 4(a)(1); into foreign territory while equipped for combat, section 4(a)(2); or in numbers which substantially enlarge U.S. forces equipped for combat already in a foreign nation, section 4(a)(3). Once a report is submitted "or required to be submitted" under section 4(a)(1), Congress must authorize the use of forces within 60 to 90 days or the forces must be withdrawn.

The U.N. Participation Act of 1945, amended in 1949, was intended to prescribe the mechanics within the United States Government for giving effect to U.S. participation in the United Nations and to establish the procedures for U.S. compliance with the major international commitments the United States assumed upon ratification of the U.N. Charter. The U.N. Participation Act also provided the vehicle through which Congress sought to implement the war powers balance between the Congress and the President with respect to United Nations collective security actions.

The U.N. Participation Act contemplated congressional approval of the President's commitment of Armed Forces to U.N. Security Council enforcement actions pursuant to article 43 of the U.N. Charter. Clearly article 43 has not been invoked to date in the U.N. peacekeeping operations under chapter VI or peacekeeping operations under chapter VII of the U.N. Charter. Consequently as part of our overall review of the many issues related to the use of force abroad, the Congress needs to specifically establish clear guidelines for committing U.S. forces as part of a United Nations peacekeeping operation and, in doing so, to clarify the respective roles of the Congress and the President in authorizing such actions.

There has been much controversy over the operation of the War Powers Resolution, continued controversy over the respective powers of the President and the Congress regarding the use of force outside the United States and a current swirl of controversy over the lack of specific guidelines for participating in U.N. peacekeeping operations. It is important that these matters be reviewed by the Senate in a deliberate manner, and in a timeframe that will allow the collective judgment of the Congress and the executive branch to clarify our respective roles unimpeded by the heat of the current controversies.

MAYOR COLEMAN ALEXANDER YOUNG

Mr. RIEGLE. Mr. President, today I rise to pay tribute to Mayor Coleman A. Young. Mayor Young is retiring from office after 20 years of serving as mayor of the city of Detroit.

Mayor Young was born in Tuscaloosa, AL, in 1918 and moved with his family to Detroit, MI, as a child. It is apparent that Mr. Young's commitment to public service was conceived early in life as evidenced by his involvement and participation in numerous public activities and causes.

He served from 1942–45 in the U.S. Army and later transferred to the Army Air Corps becoming the first black bombardier. Coleman Young was a part of the famous Tuskegee Airmen, the Nation's first black aviation unit. In 1948 he was elected director of an organization for the Wayne County Congress of Industrial Organizations [CIO]. In 1961 he was elected as a delegate to the Michigan Constitutional Convention. He served in the Michigan State senate from 1964 to 1973. In 1966 he was named the Democratic floor leader and in 1968 he became the first black member of the Democratic National Committee. His life is a series of such breakthroughs.

In 1973 Young ran for the mayoral seat in Detroit and became the first black mayor of the city. Throughout his tenure as mayor, Young's vision for the city of Detroit remained clear. This vision and his ability to build bridges and create economic opportunities for Detroit are evident despite damaging national policies that hurt deeply our urban centers.

In 1982, civic and business leaders joined Major Young in organizing a foundation dedicated to nurturing leadership among Detroit's young people, particularly disadvantaged minorities. The creation of the Coleman Young Foundation has already positively impacted the lives of more than 100 Detroit young people through college scholarships, mentorship programs, and summer internship programs with various tri-county businesses.

The tribute dinner to be held on October 28, 1993, in honor of Mayor Young is just one expression of appreciation from those whose lives have been touched and influenced by his many years of dedication to helping others.

I ask my colleagues to join me in honoring one of America's great urban leaders, the Honorable Mayor Coleman A. Young, truly a man of the people, who spent his political life fighting for equity and justice.

THE WESTERN SAHARA

Mr. PELL. Mr. President, today I wish to speak about an issue which has received little attention, but which has important consequences for United States policy, and for stability in Africa and the Middle East. I refer to the ongoing dispute over the Western Sahara, a Colorado-sized territory situated in northwest Africa at the junction of the Moroccan, Mauritanian, and Algerian borders. The Western Sahara has been the source of conflict between Morocco, which asserts sovereignty over the territory, and the Polisario Front, a movement which seeks an independent Saharan state.

Both Morocco and Polisario have agreed to a U.N. sponsored referendum, in which the Sahrawi people will choose to become independent or to accept Moroccan sovereignty. Since September 1991, the U.N. mission for the referendum in Western Sahara [MINURSO] peacekeeping force has monitored a cease-fire and attempted to organize the referendum. Although the cease-fire has remained intact, I am disappointed to note that the referendum, originally anticipated for early 1992, still has not been held. Although numerous hurdles have been overcome in organizing the referendum, it appears now to be stalled because of disagreements over the criteria for voter eligibility.

Mr. President, I have been a strong supporter of the United Nations since its inception. I believe the United Nations has played a crucial role in the Western Sahara conflict, and that MINURSO remains the best hope for facilitating a resolution that is acceptable to both sides. I urge the Senate, as well as the administration, to support the United Nations in this important endeavor.

I also hope, Mr. President, that the recent plethora of international crises will not detract too much attention from important, but lesser-known, issues such as the Western Sahara. In this connection, I wish to draw the attention of the Senate to a recent speech given at Long Island University by my good friend, Angier Biddle Duke,

the former United States Ambassador to Morocco. The Ambassador's speech makes a significant contribution to the debate over and understanding of the Western Saharan conflict, and I believe it would be of great use to members in assessing the situation there.

I ask unanimous consent that the full text of the speech, "The United Nations and the Western Sahara," be inserted in the RECORD at this point.

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

[Remarks of the Hon. Angier Biddle Duke at the World Affairs Council, September 4, 1993]

THE UNITED NATIONS AND THE WESTERN SAHARA

Just a little over a month ago I was returning from an eight day fact-finding mission to North Africa which was sponsored by the International Republican Institute, a public policy organization funded in part by the National Endowment for Democracy. Former Ambassador to Nepal Leon Weil and I co-chaired the delegation which consisted of Dr. Jarat Chopra, a professor of political science at Brown University, Cristina Maeza, law professor from the University of Montevideo and two able and professional staff members. We visited Algiers, the Polisario encampments in the Western Sahara around Tindouf, Algeria, the Saharan territories administered by Morocco from El Aiun, and the Moroccan authorities in Casablanca, Rabat and Kenitra. What I have to say today is the result of my own observations and does not necessarily reflect the views of the delegation.

The Saharan territory south of the Moroccan border is a vast virtually empty land of sand roughly the size of California. When the Spaniards started to move in just 100 years ago they found a few tented nomads who wandered in and out of the area trading goods and herding camels and goats between Morocco and sub Saharan Africa and eastward across an immense sand ocean to and from the lands of the Nile.

We met and lived with Saharans in their tents out in the desert and found their dress, their music and other aspects of their culture somewhat different from their Algerian and Moroccan neighbors.

Some of their dances and songs are distinctly Ethiopian in character. Their caftans, their robes and headdress are markedly different—but they are all brothers and sisters in the religion of Islam and in the Arabic language.

In the Moroccan view and tradition the leaders of those wandering bands—the Sheiks, whom they call Chouks—regularly sent ceremonial gifts indicating fealty to the Sultans of Morocco. Historically those Moorish rulers regarded the Chouks and their followers as their subjects. Hence the Moroccans' claim to sovereignty over the whole area. In 1975 the International Court of Justice (ICJ) at the Hague, while recognizing the ties of suzerainty that might have existed between the Chouks and the Sultans, made the point that those ties did not convey title to the land over which they roamed. The ICJ, the World Court, concluded with a judgment that in effect prescribed self-determination as the modus, the route to settlement of the status of the territory. The choice between integration into Morocco or sovereign independence "should be the result of freely expressed knowledge of the change in their status, their wishes having been expressed through informed and democratic processes, impartially conducted by universal adult suffrage."

But let's go back a bit. During my first years as ambassador in Madrid the UN General Assembly in 1965 passed its first resolution on what was then the Spanish Sahara. It was the last large chunk of what was left of the Spanish empire. The UN requested the Spanish government "to take immediately all necessary steps for the liberation of IFNI and the Sahara from colonial domination and to that end, to enter into negotiations on the problem relating to sovereignty presented by the two territories." Not long after that, Spain relinquished the enclave of IFNI to Morocco. I followed these developments in the Sahara from Madrid and ten years later from the embassy in Rabat, Morocco.

During that period there were several important developments. Unrest among the population escalated under Spanish rule and opposition groups were organized such as PUNS and POLISARIO, the latter being an independent movement. In the words of its 1973 Manifesto it was "a unique expression of the masses, opting for armed struggle as the means by which the Saharan people can recover its total liberty and foil the maneuvers of Spanish colonialism."

A year later Spain completed a census for the territorial population in preparation for a UN conducted referendum to be held in 1975. The total population came to 95,000 of which 73,500 were indigenous Saharans. The Spanish estimated that there were up to 9,000 refugees in neighboring countries, the Moroccans put the figure at over 30,000. The referendum was postponed until the pending ICJ decision could be rendered and assessed later that year.

On the 16th of October 1975 the World Court handed down the decision which called for self-determination. The Moroccan government interpreted this as a call to action and within hours of the Court's judgment announced that 350,000 volunteers would march south into the Sahara in a "Green March" of liberation.

A few weeks later on the 5th of November Generalissimo Franco died leaving Spain in a crisis—a transition period in the aftermath of the dictatorship. Apparently taking advantage of that situation, the Green Marchers crossed the border on November 6th, to be shortly followed by the Moroccan military forces entering as a "liberating army." Then on the 14th of that same month, Spain anxious to be rid of the problem, signed the Madrid Accords, a tripartite agreement which provided for complete Spanish withdrawal within three months and partition of the territory between Morocco and Mauritania. During that period turmoil ensued which resulted in a flow of refugees into Southern Algeria, Morocco and Mauritania. The Spanish army, resentful of the intrusion of the Moroccan forces, tended to sympathize with the Polisario, to which it turned over arms, ammunition, armored vehicles, troop transport, and trucks. They were used by the Polisario to evacuate a large portion of the civilian population to refugee camps across the desert around Tindouf in Algeria. The stage was set for two decades of war. Mauritania soon turned over its share of the Saharan territory to Morocco.

During my period of service in Rabat, 1979–1981, the war in the desert dominated the news. The Sahara issue became the predominant theme in Moroccan political and public life. It became and remains a popular cause that energizes and unites virtually all parties, all interests, all elements of the population. The Polisario emerged as an effective fighting force and it inflected serious damage on the Moroccan military. Casualties were inflicted, prisoners taken, the wounded came home, dead were buried and mourned. To the Moroccans it became and remains the peoples' war. Not just "The King's War," and I will return to that theme later.

I was there at the turning point of the military picture. The Moroccans started building a massive wall of sand, called the Berm, which runs from North to South for nearly two thousand miles enclosing and protecting just about three quarters of the entire territory. It has become a decisively effective strategic tool. The Berm is now composed of sand and stone, surrounded by minefields, and guarded by 300 strong points. The Polisario forces can penetrate it easily, but once inside they can be trapped and destroyed. Like the Great Wall of China it has watch tower stations along it, a rapid deployment force behind it, and an Air Force in constant readiness over it. It was not built with a Maginot line mentality; and it goes from its anchor in the Atlas Mountains in the North all way to the sea in the far South. All is quiet along the Berm these days as a UN arranged cease fire has been in effect for the past two years; it has been very successful—no one has been killed since it began.

A word on armed forces levels on each side. The Polisario have at least 15,000 trained soldiers under arms and more than an equal number of support elements. They have no air force but can count on an extensive collection of military hardware at this moment. On July 11th we had an opportunity to visit a display of captured materiel which the Polisario make use of.

It is not my purpose or intention to take sides in this issue—I am trying to present the situation objectively, and to analyze US policy in the matter. Admittedly it is not an earthshaking issue. It hardly ranks with the Arab-Israel situation for example. But it is important for the long-range stability and development of North Africa. Fundamentalism has shaken the Algerian government down to its very foundations, the legitimacy itself of government authority is now in question after losing the last elections. it is said not just in jest that "Every state has an army, but in Algeria the army has a state." Although Morocco claims immunity from the threat of the religious opposition because King Hassan II is a descendant of the Prophet Mohammed's family and is "Commander of the Faithful," it remains a target. The Polisario has resisted Fundamentalist penetration so far.

The ancient hostility and rivalry between Algeria and Morocco has abated considerably of late in the light of their common concerns. They have succeeded in settling all their old border disputes and they are cooperating on an important new enterprise: the construction of a natural gas pipeline to run from the Algerian wells across Northern Morocco and the Straits of Gibraltar to markets in Spain and Portugal. Only the Polisario issue now divides them.

Our group met with Reda Malek, then the Foreign Minister, on July 14th in Algiers. Just this past week he has become the Prime Minister of his country. He emphasized to us the improved relations with Algeria's Western neighbor and stressed the need for a peaceful and quick solution to the Saharan situation. Algeria has consistently pushed for UN participation, he said, and Algeria supports the referendum process. I was interested in his references to the U.S—they were

friendly. He noted that the US has been neutral in the Security Council, although it remains very close to Morocco. We have observed, he told us, that the US at the UN is balanced; Algeria is pleased at US interest and the Minister affirmed that he was in constant consultation with the American government.

Later that evening we had dinner with some lower ranking but well-informed Algerian officials and we heard some rather unorthodox views. Some of them expressed the opinion that Algeria welcomed the Moroccan government's references to "autonomy" and "regionalization." Algerians were becoming reconciled they said to the possibility that there may not be an independent Saharan state, (which incidently would be named the "Saharan Arab Democratic Republic").

There was a discussion of a third option, but we were told that it was not for Algeria to decide the terms of an alternative to independence or integration. Whatever it is, it must be acceptable to both parties—perhaps federation, confederation or something else. The officials recognized that these option were unlikely given that in each case short of independence sovereignty would reside with Morocco. So we went around in circles.

Now let's go over the main elements of the UN Settlement Plan. The two parties recognize that sole and exclusive responsibility for the organization and conduct of the Referendum is vested in the United Nations. The Secretary General has appointed as his Special Representative Mr. Yaqub Khan of Pakistan. He is the former Foreign Minister of his country and Ambassador to the United States—a world class statesman. The naming of such an outstanding individual is an indication of the importance that the United Nations attaches to this question. I might add that Ambassador Weil and I have had long talks with him about his role in this transitional period which is to lead to a voting date only when the two sides can come to an agreement on fundamental aspects of the electoral process.

A UN military and civilian presence has been established on both sides of the Berm to monitor the cease fire and to be the administering authority during the voting period.

Where the whole project is stalled at this moment is on the question of who is eligible to vote. Both sides agree that those still surviving and living on either side of the Berm who were registered by the Spanish in the 1974 census are eligible. The Polisario has maintained that the 1974 list should be the sole basis for the electorate. The Moroccan position is that all persons having Saharan status as authenticated by the 1974 list and *other official documentation* should have the right to participate. The Moroccans claim that thousands of Saharan refugees have found sanctuary under their protection and that they have identity cards and other means of identification to prove it. This would greatly swell the number of eligible voters. It is evident that these diametrically opposed positions would have a very significant and direct impact on the number of those able to vote and on the final result of the referendum. This voter registration question is of the utmost importance. If one set of criteria is chosen then one side wins; if another criterion is chosen, then the other side wins. The stakes are so high that neither can enter into a non-guaranteed referendum process.

There was a meeting of representatives of the two parties at El Aiun on July 16 and 17 but the only thing they could agree on was to meet again sometime, possibly in Europe. And so that stalemate goes on.

In the United States government there is little overt interest in this impasse. In the Senate the few who are interested are inclined to the Polisario position. In general American perceptions of the Moroccan position on the stalled referendum may stem from historical skepticism, even hostility, towards a monarchical form of government. Although Morocco's multi-party parliamentary system operates within an established constitutional framework—a state of affairs not prevalent in the Arab world—the role of the King tends to be the determining factor in the assessment of that government by many US observers. Coupled with this there is a reoccurring and persistent recollection of the fall of the Shah, in whom successive US administrations put so much trust and to whom we gave such support. Consequently there is some reluctance to place full confidence in the permanence and stability of King Hassan's regime.

When this perception is applied to the King's relationship to the Western Sahara, the initial reaction tends to be that this whole issue is inextricably tied to the monarchy. This assessment of an American viewpoint is made to explain the nature and tone of so many reports on the ongoing situation in the Saharan conflict. It is not necessarily that of the American government which maintains close and cordial ties with the Moroccan authorities while vigorously supporting the UN peace process.

This dichotomy in American attitude is not unique to this situation. It is generally indicative of the inclination of the Executive Branch and the State Department to emphasize what they conceive to be the US national interest. The legislative branch tends to take what they perceive to be highy moral ethical or idealistic positions. Each branch has usually thought of itself as the interpreter of the true essence of American foreign policy. And how does this apply to the Saharan issue? Fortunately both branches of government find themselves solidly on th side of self-determination (which by the way is a long way from where we were in 1865, where we fought a Civil War against it. But I must not confuse this discussion further).

The report of our fact finding mission is due to be released around September 15th and I anticipate nothing sensational. It will probably touch on the following questions for example:

(1) What is the internal political orientation of the Polisario? In my opinion it is not a Marxist-Leninist front. To that it must be added that the present leadership has evolved from a Cold War position which included much Marxist rhetoric and jargon. It now aspires to a democratic form of government open to a multi-party system, room for a market economy, and a respect for human rights and freedom of expression. I found the Saharans in the Polisario an attractive decent people who for 18 years have lived simply, with dedication and certain egalitarian principles, not unlike those motivating the early settles in Israeli kibbutzim.

(2) Is the fate of the Moroccan monarchy tied to the results of the vote? In my opinion it is not. Morocco is a stable, well-run country that is moving steadily towards economic development, pluralism and a civil society. The loss of the Sahara would mean very little economically, although the deep political wounds would take long to heal. The Moroccans will preserve their institutions, including the throne.

(3) Will each side accept a result in the referendum that does against them? Both sides have told us for the record that unequivocally they will.

(4) What should the US position be? Multilateralism is the hallmark of the Clinton Administration's foreign policy. As an important part of the world community we should continue to participate with our fellow members of the UN in giving active and vigorous support to the Settlement Plan of the United Nations. This will preserve international interest in the area and in multinational approaches to resolution of the conflict. Negotiations between the two parties must continue to be encouraged particularly towards a compromise on the voter qualification issue.

There is a lot more detail I could elaborate on—but I believe that is essentially the Big Picture—or the Big Question Mark. I feel very grateful to have participated in it so far as a bit player in a small corner of the world stage and I am very gratified by your apparent interest in hearing me out. Many thanks.

NOMINATION OF MORTON HALPERIN TO BE THE ASSISTANT SECRETARY OF DEFENSE FOR DEMOCRACY AND PEACEKEEPING

Mr. THURMOND. Mr. President, the President has sent the name of Mr. Morton Halperin to the Senate for our advice and consent on his nomination to be the Assistant Secretary of Defense for Democracy and Peacekeeping. As I have stated on this floor several times already, I oppose this nomination. Several Senators have asked me why. Simply stated, this nominee has extremely poor judgment—so poor that he will endanger the lives of our young men and women in uniform. In fact, he may have already done so by giving his advice to the Department of Defense on Somalia and Haiti.

I have some quotes to read to you and, I think when I am finished, you will all see that this man should not be given a position of responsibility in the Department of Defense. Let me begin by reading from one of his publications entitled "The Lawless State."

> Using Secret intelligence agencies to defend a constitutional republic is akin to the ancient medical practice of employing leeches to take blood from feverish patients.

Mr. Halperin would do well to talk to Mr. James Woolsey, the Director of Central Intelligence. Mr. Woolsey stated in his confirmation hearings in February of this year:

> Yes, we have slain a large dragon * * * but we live now in a jungle filled with a bewildering variety of poisonous snakes. And in many ways, the dragon was easier to keep track of.

I agree with Mr. Woolsey. The existence of capable intelligence gathering organizations is absolutely crucial to the survival of our constitutional republic, even with the demise of our principal enemy the former Soviet Union. There are plenty of poisonous snames out there that would like to see us blind ourselves to their activities.

As Mr. Halperin nears confirmation, however, he seems to have changed his mind. In response to committee questions he states he can now support secret intelligence agencies because:

I believe that the intelligence services of the United States have undergone a fundamental transformation over the past two decades. * * * I believe that the agencies now operate within the rule of law based on Executive orders and agency regulations.

Mr. Halperin's original statement condemned any use of intelligence agencies. He did not say he condemned it because it didn't follow rules and regulations. He condemned the use of intelligence agencies no matter how they operated. His second statement is merely an attempt to excuse the complete contradiction between what he said before nomination and what he is saying to get confirmed.

Let me read another quote on the subject of unilateral intervention. This one is from the June 1979 edition of The Nation:

All of the genuine security needs of the United States can be met by a simple rule which permits us to intervene when invited to do so by a foreign government.

He restated this philosophy in the summer of 1993 publication entitled Foreign Policy when he wrote:

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. Such self restraint would bar interventions like those in Grenada and Panama, unless the United States first gained the explicit consent of the international community acting through the Security Council or a regional organization.

By these statements, it appears Mr. Halperin would give up our right as a Nation to act unilaterally even when it is in our own best interests. These remarks indicate to me that he does not trust our own country to decide when intervention is necessary. It appears that he prefers to leave it to some foreign government or international organization to determine when and where we should use our resources. How does that kind of thinking relate to such actions as the air strikes against Libya? I submit that Mr. Halperin would have stopped that beneficial raid and would have left Americans more susceptible to terrorist attacks.

However, Mr. President, Mr. Halperin may have changed his mind on unilateral intervention as well. In response to questions put to him by the Armed Services committee in August of this year, he replied:

. . . we must ensure that other nations clearly understand that the United States is prepared to use force unilaterally when it determines that its interests are threatened.

Mr. President, I have trouble understanding how the same man could make these two statements within months of each other—but Mr. Halperin did just that.

Now that he has been nominated to be an Assistant Secretary of Defense, Mr. Halperin appears to be changing his mind on a number of very significant United States policy issues. I have already supplied you with two examples. Let me point out one additional example that might be of interest to the Senate. Mr. Halperin testified before the Church committee on December 5, 1975 as follows:

I believe that the United States should no longer maintain a career service for the purpose of conducting covert operations and covert intelligence collection by human means. I believe also that the United States should eschew, as a matter of national policy, the conduct of covert operations.

In April 1987, Halperin appeared before the House Select Committee on Intelligence. Congressman HENRY HYDE confronted Mr. Halperin with this statement, and Halperin admitted it was his position at the time but that it no longer was. When pressed further, he said:

I am against covert operations. I think the statements there on clandestine collection are ones that I would no longer subscribe to.

In other words, he told Congressman HYDE he would favor covert intelligence gathering but not covert operations.

What does he say now that he is nearing confirmation hearings? In September 1993, in response to questions from the Senate Armed Services Committee, he wrote:

* * * I can support the conduct of secret operations conducted pursuant to the requirements of the law.

So he now appears to favor all forms of covert activities.

If you are confused, Mr. President, as to what this man stands for, you are not alone. The more you read, the more times you see he has appeared to revise his thinking. He is now recanting statements on a whole variety of issues causing some to believe he is having a confirmation conversion.

Mr. President, before I end this statement about Mr. Halperin, let me tell you about a former CIA agent named Philip Agee, a person whose works Mr. Halperin has endorsed in the past. Philip Agee very possibly caused an American, Mr. Richard Welch, to be assassinated in Athens, Greece in 1977. Agee identified Mr. Welch as an American CIA agent in one of his publications and Welch was killed shortly thereafter.

This all came about because of a plan Mr. Agee had. Agee told the Intercontinental Press that he wanted to:

Contribute to the growing campaign in the United States to call into question activities, and to work for the eventual abolition of the CIA as part of the overall process of weakening and finally defeating the ruling Capitalist minority in the United States.

In all, Philip Agee wrote many articles and at least 3 books which exposed nearly 2,000 CIA agents all over the world. It caused their lives to be threatened and the United States to spend excessive amounts of time and money to protect and relocate them.

In June 1975, Mr. Agee was quoted in Esquire Magazine as saying:

I have answered affirmatively that I aspire to be a communist and a revolutionary.

In September 1975, just 3 months later, Mr. Halperin wrote an extremely favorable review of one of Mr. Agee's books. That book disclosed over 400 names that Mr. Agee claimed were agents and yet Mr. Halperin extolled the virtues of Mr. Agee's book. Later, Mr. Halperin went to Great Britain in an attempt to stop efforts to deport Mr. Agee who had exposed a number of British agents as well. Mr. Halperin is not a lawyer. He went as a witness to argue against the British Government's desire to deport Mr. Agee as persona non grata. I believe, Mr. President, that this displays deplorable judgment by Mr. Halperin.

Mr. Halperin has testified for Daniel Ellsberg and Anthony Russo who released classified information to the Press. He has testified for Mr. David Truong who was sentenced to 15 years imprisonment for espionage. His testimony during those cases again demonstrated the same lack of judgment.

Mr. President, I have read only a few quotes from a man who has written at least a dozen books, hundreds of articles and testified nearly 100 times before Congress. Mr. Halperin has amassed a long history of remarks that are very similar to what I have briefly cited to you here. I will bring you more in the days to come from hundreds I have on file.

Mr. President, the position to which Mr. Halperin has been nominated will place him in possession of volumes of classified information. More importantly, the individual who becomes the Assistant Secretary of Defense for Democracy and Peacekeeping will be called on to make far-reaching decisions in cases concerning the placement of our American men and women in harms way. I submit to you, Mr. President that he has not shown the good judgment needed for that position.

I call on the Senate to clearly examine this man and judge for itself. He is simply not the proper candidate for this important position. In fact, in my judgment, he will seriously damage the defense of this country if he is placed in that position. He has been in a consulting role at the Department of Defense for nearly 9 months and we have had two of the worst military setbacks in the past 20 years. They both came in the area of peacekeeping—Mr. Halperin's area. I have seen many Defense nominations from this administration and not spoken against any of them. I have helped confirm most of them. I believe that, if the person is not dangerous to our national defense and the President wants the person, he or she should be confirmed. Mr. President, after reviewing Morton Halperin's record and his work, I am convinced this man is dangerous to our national defense.

Mr. President, on October 5, 1993, Mr. DUNCAN HUNTER, a Member of Congress, from California, wrote the Honorable SAM NUNN a letter, and sent me a copy.

His letter reads this way:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 15, 1993.

Hon. SAM NUNN,
Chairman,
Senate Armed Services Committee, Washington, DC.

DEAR MR. CHAIRMAN: Your committee is now considering the nomination of Morton Halperin to serve as Assistant Secretary of Defense for Democracy and Human Rights. I am very concerned about Mr. Halperin's past activities regarding classified information, the "Pentagon Papers," and the role of the intelligence community.

I am enclosing a statement regarding my concerns, as well as a joint letter to you that has been signed by many prominent individuals from the national security community. I would be grateful if my statement and the open letter could be included in your committee's report on the nomination. If there is still an opportunity to testify, I would appreciate it if your staff would contact Vicki Middleton of my office.

Many thanks.

Sincerely,

DUNCAN HUNTER,
Member of Congress.

Mr. President, a letter to Senator NUNN of October 15, 1993 says:

OCTOBER 15, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: We strongly urge you and your colleagues to reject the nomination of Morton Halperin to serve as Assistant Secretary of Defense for Democracy and Peacekeeping. We are in agreement with the many Senators of the Armed Services Committee who have said that Halperin's activities have been detrimental to the national security interests of the United States. His record over the past 25 years has demonstrated a complete disregard for the sensitive nature of classified information, and it would not be prudent to have him serve in a senior position at the Department of Defense.

Sincerely,

Adm. Thomas H. Moorer, USN (Ret.), former Chairman, Joint Chiefs of Staff.

Adm. Thomas B. Hayward, USN (Ret.), former Chief of Naval Operations.

Adm. Carlisle A. Trost, USN (Ret.) former Chief of Naval Operations.

Adm. James L. Holloway, USN (Ret.) former Chief of Naval Operations.

Frederick B. Dent, former Secretary of Commerce.

William E. Simon, former Secretary of the Treasury.

David Packard, former Deputy Secretary of Defense.

Keith L. Brown, former U.S. Ambassador to Denmark.

Michael Burch, former Assistant Secretary of Defense.

Dr. Ray S. Cline, former Deputy Director, Central Intelligence Agency.

LG Daniel O. Graham, USA (Ret.), former Director, Defense Intelligence Agency.

BG Theordore Mataxis, USA (Ret.), former Commander, American Division, Vietnam.

MG Hugh Overholt, USA (Ret.), former Judge Advocate General, U.S. Army.

LG James B. Vaught, USA (Ret.), former Commander-in-Chief, U.S. Army, Korea.

Gen. Donald R. Keith, USA (Ret.), former Commander, Army Materiel Command.

RAdm. John Dalrymple, USN (Ret.), Executive Director, Navy League of the United States.

MG James Pennington, USA (Ret.), President, National Association for Uniformed Services.

John Adams, Executive Director, The Retired Enlisted Association.

Larry Rivers, Executive Director, Veterans of Foreign Wars.

John R. Brinkerhoff, former Deputy Assistant Secretary of Defense, Carter Administration.

RAdm. Robert H. Spiro, Jr. USNR (Ret.), former Under Secretary of the Army, Carter Administration.

James D. Staton, Executive Director, Air Force Sergeants Association.

Michael Cline, Executive Director, Enlisted Associated of the National Guard.

John M. Fisher, Chairman and CEO, American Security Council.

All of these famous, prominent people who served their nation well and in important positions, these former chairmen of the Joint Chiefs of Staff, these admirals and generals, and all of them who signed this statement said Halperin is not the man to serve in the Defense Department.

I ask unanimous consent to have printed in the RECORD at this point a statement by Congressman DUNCAN HUNTER on the nomination of Morton Halperin to serve as Assistant Secretary of Defense.

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

STATEMENT BY CONGRESSMAN DUNCAN HUNTER

Mr. Chairman, I want to thank you and the members of the Armed Services Committee for providing me with the opportunity to outline my views concerning the nomination of Morton Halperin to serve as Assistant Secretary of Defense for Democracy and Peacekeeping.

After careful consideration, I am in complete agreement with Senator Strom Thurmond (SC), the ranking Republican on this Committee, and I urge you to reject this nomination. Morton Halperin's persistent activities show a complete disregard for the procurement, use and protection of classified intelligence. I believe he would be a clear security risk, and his past activities have been very detrimental to the national security interests of the United States. Senator Thurmond has said Morton Halperin "is dangerously out of step with the mainstream national security community * * * I am concerned that we may be letting the fox into the hen house should Mr. Halperin be confirmed."

The Wall Street Journal has described Mr. Halperin, who headed the Washington office of the American Civil Liberties Union for eight years, as a "left-liberal spearthrower." They went on to describe him as "wildly naive on most issues of the Cold War, especially in perceiving a 'defensive' Soviet Union."

Morton Halperin has consistently advocated his strange belief that the use of intelligence for purposes of national security is somehow antithetical to our Constitution. In his book, "The Lawless State: The Crimes of U.S. Intelligence Agencies," Halperin states, "Using secret intelligence agencies to defend a constitutional republic is akin to the ancient medical practice of employing leeches to take blood from feverish patients." He says, "Secrecy * * * does not serve national security. * * * Covert operations are incompatible with constitutional government and should be abolished."

The nominee told a Congressional committee in 1975 that intelligence activities should cease to exist. "I believe the United States should no longer maintain a career service for the purpose of conducting covert operations or covert intelligence collection by human beings. I also believe the United States should outlaw as a matter of national policy the conduct of covert operations." He reaffirmed this view in 1987 before the House Intelligence Committee.

Not only is Mr. Halperin against the use of intelligence in general, but he is also opposed to the classification of sensitive information. Mr. Halperin stated in 1980 that "Under the First Amendment, Americans have every right to seek to 'impede or impair' the functions of any federal agency, whether it is the FTC or the CIA, by publishing information acquired from unclassified sources."

In 1985 he supported the editors of the Progressive magazine when they published information about the design and manufacturing of nuclear weapons. When the government was prosecuting Samuel Morrison for disclosure of classified satellite photos, Mr. Halperin said the case posed "an extraordinary threat to the First Amendment."

While dedication to the protection of Constitutional rights is certainly commendable, the nominee clearly takes this protection well beyond prudent limits when the national security interests of the United States are concerned. There is also no reason why his past statements will not reflect future action he takes as Assistant Secretary. Furthermore, at the Pentagon he will of course have full access to classified information.

The nominee has specifically stated he would like to see the following information declassified:

All activities regarding U.S. covert operations;

Detailed nuclear weapons design information;

All commitments to employ American forces;

Research on a new weapon systems;

Diplomatic negotiations; and

Many activities regarding all of our intelligence organizations.

The entire national security community was very disturbed when Morton Halperin assisted Philip Agee in his campaign to expose the identities of CIA agents. At the American Civil Liberties Union he served as Agee's legal counsel and argued that Agee's travel should not be restricted.

Agee described the CIA as "the secret police of American capitalism." His single minded aim, so he avowed, was to destroy that agency in order to "purify the American role in the world." Agee's treachery included naming 170 CIA colleagues and friendly agents, all previously under essential and presumably inviolable cover, whom he had worked with. Halperin defended him despite the fact that Agee revealed a number of intelligence operations which he was sworn, by

the oath of his employment, never to divulge.

Morton Halperin was Agee's legal counsel and his major defender after the former intelligence operative wrote "Inside the Company: CIA Diary." In the words of the bipartisan American Security Council, "few books by an unknown writer have caused so much damage to a national institution."

According to ASC, "The careers of CIA officers, many of them in the prime of usefulness, were summarily interrupted and diverted by Agee's work and Halperin's defense. The anguish visited upon their families, not to mention the physical danger to them, that went with exposure, must be included in the final cost. For example, Agee's publication CounterSpy, named Richard Welch as the CIA Station Chief in Athens, Greece. Welch was assassinated after Agee's publication put him in the bull's eye by naming him as a CIA officer."

Former Senator Barry Goldwater, who previously served as Chairman of this Committee, said that Agee should be stripped of his citizenship. Secretary of the Treasury Lloyd Bentsen, while he was a U.S. Senator, said Agee should be imprisoned. Nevertheless, Morton Halperin rushed to his defense after the British House of Commons upheld Agee's expulsion order by a vote of 138 to 4.

Philip Agee orchestrated a betrayal verging on treason, and Morton Halperin was one of his principal defenders. Both Agee and Halperin were both ring leaders in a campaign to harass, intimidate and deform our national intelligence services.

Morton Halperin's activities were instrumental to the disgraceful and dangerous decline of the prestige and vigilance of our intelligence community in the 1970s. In responding to the Agee/Halperin onslaught, Admiral Stanfield Turner, who served as Jimmy Carter's CIA Director, said in 1978, "I almost hold by breath every morning until I know if today's disclosures include some of our sensitive sources of intelligence * * *. Allied intelligence services are losing confidence that we can keep a secret. We suspect that some are holding back information." I would remind the Committee that Halperin's activities were occurring at a time the CIA was reporting 1,900 "spies" from the Soviet bloc were operating inside our borders.

Halperin's views on constitutional rights came into direct conflict with the Supreme Court which stated that "Restricting Agee's foreign travel * * * is the only avenue open to the Government to limit these activities * * * Agee's disclosures, among other things, have the declared purpose of obstructing intelligence operations and the recruiting of intelligence personnel. They are clearly not protected by the Constitution."

Halperin also favorably reviewed Agee's book "Inside the Company: CIA Diary," saying that in it "we learn in devastating detail what is done in the name of the United States." He did not criticize the book for releasing over 30 pages of names of U.S. covert operatives overseas, or the fact that Agee acknowledges in the preface the help he received from the Cuban Communist Party.

Halperin concluded the review by saying, "The only way to stop all of this is to dissolve the CIA covert career service and to bar the CIA from at least developing and allied nations."

Then there is the matter of Mr. Halperin's involvement in the unauthorized publication of the so-called "Pentagon Papers." The nominee's role was crucial to giving Daniel Ellsberg access to this classified material. In fact, Mr. Halperin had the central responsibility for deciding who would have access to the "Pentagon Papers." Mr. Halperin invited Ellsberg to participate in a classified study of U.S. policy in Vietnam even though Ellsberg had previously said he felt these top-secret papers should be made public.

Unfortunately, Morton Halperin's involvement did not end there. Ellsberg lived in Halperin's home while the "Pentagon Papers" were being illegally copied and stored, and while Ellsberg gave the "Pentagon Papers" to the radical Institute for Policy Studies. Henry Kissinger was so concerned about the nominee's activities in leaking sensitive information to the news media that he ordered a tap placed on Mr. Halperin's telephone. Whether the nominee directly participated or not, it is certainly clear Halperin knew Ellsberg was releasing classified information about the Papers. Halperin's involvement was brought to a conclusion when he later went on to help with Ellsberg's legal defense.

All of the members of the Armed Services Committee have received an indepth policy paper prepared by Frank Gaffney, the former Acting Assistant Secretary of Defense for International Security Affairs, and his Center for Security Policy. This outstanding research document, entitled "The Case Against the Halperin Nomination," contains numerous examples of statements the nominee has made over the past two and a half decades which clearly raise serious concerns about his commitment to our national security interests. I have also reviewed an analysis of Morton Halperin's positions prepared by the bipartisan American Security Council. According to ASC, the nominee's entire record can be described as "blaming America first" for many adverse activities throughout the world.

From the early 1970s, Morton Halperin consistently forgave and defended the former Soviet Union. In the Nation magazine, he wrote, "Every action which the Soviet Union and Cuba have taken in Africa has been consistent with the principles of international law. The Cubans have come in only when invited by a government, and have remained only at their request . . . Soviet conduct reflects simply a different Soviet estimate of what should happen in the African continent and a genuine conflict between the United States and the Soviet Union."

In his 1971 book, "Defense Strategies for the Seventies," he states: "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. The positioning of Soviet ground forces in Eastern Europe and the limited logistical capability of these forces suggests an orientation primarily toward defense against a Western attack."

The nominee always diminished the military threat the Soviet Union posed to the world. He consistently focused on portraying a "defensive" Soviet Union. Such ideas run counter to what was widely believed at the time, and to what we now know to be the truth.

It is clear the nomination of Morton Halperin to be Assistant Secretary of Defense for Democracy and Peacekeeping is a security risk we cannot afford to take. Mr. Halperin is completely opposed to the use of intelligence agencies, and he strongly believes that much of the top-secret information concerning national security should be declassified.

The nominee has demonstrated this not only in his extensive writings, but also in the actions he has taken to achieve these goals. It would be a mistake to allow a person with this background to be confirmed in a senior program in the Department of Defense.

Mr. THURMOND. Mr. President, in view of Mr. Halperin's record, I just do not see why he was ever appointed to serve in the Department of Defense. If the President wants him to serve in some other department, that might be another thing. But Mr. Halperin has no business serving in the Department of Defense.

We are very disappointed his name was sent down here, and he should not be confirmed. I hope the Senate will give careful consideration to this letter and all of this information I furnished here on this man Halperin.

I yield the floor.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Minnesota is recognized.

THE COUPS IN BURUNDI

Mr. DURENBERGER. Madam President, I rise to reflect briefly on some very saddening news that reached this country today on Belgian radio. There was apparently a military coup in the country of Burundi that resulted in the death of the President, Melchior Ndadaye, and other members of his cabinet. What is sad about it is that the country of Burundi was just on its way to being a shining example of a country that peacefully transitioned from military rule to a democracy.

The people of the country of Burundi adopted a constitution on March 9 of 1992. They adopted it by a margin of 9 to 1. On June 1 of this year, a little more than a year later, nearly 3 million voters went to the polls to elect Ndadaye President in the country's first-ever multiparty election.

But there is a little more to the story. The man who overthrew the previous dictator of that country and made himself President in 1987 is President Buyoya. He is a young man, and I met him here about 6 or 7 weeks ago. He is a very well educated, bright young man who wanted nothing for the people of Burundi other than democracy. He used the time from 1987 until 1992 to begin to build the support in that country for reconciliation between the two rival ethnic troops, the Hutu's and the Tutsi's.

As I say, he presided over the drafting of the constitution for that country and decided he would be a candidate in the election for President. In order to stand for election under the new constitution, President Buyoya had to resign from the military, which he did, and ran in this election and ended up getting less than 30 percent of the vote. President Ndadaye was elected. President Buyoya very graciously accepted

his defeat and began a process of continuing the reconciliation of his country by establishing a freedom foundation, which was designed to raise money and bring economic development to his country.

About 2 weeks ago—in fact, I recall it as the day after the Congress met in this building with the Secretary of State and Secretary of Defense over the crisis, or almost the catastrophe in Somalia. On the very next morning, President Ndadaye with President Issaias of Eritrea, met with a group of us here in the Capitol.

I must say, Madam President, how impressed I was with the president's vision for the future of his country. He talked about the long conflict in the country. He talked about the peaceful transition. He talked about the man whom he had defeated in the election and the strengthening of their relationship because of that election. President Ndadaye was confident he would be able to further strengthen the foundation for democracy that had been established by his election.

So the tragedy of today's coup in Burundi is not only a major setback for democratic reform in this African nation, but it is a personal loss for those of us who in this relatively brief period of time, just 2 weeks ago, began to know President Ndadaye as a friend.

I understand from the Department of State that those attached to the U.S. Embassy in Burundi are safe, for which we should all be very grateful.

I join with the Department of State in condemning this action and would underscore the Department's statement:

> This represents a serious setback to the cause of democracy in a country whose previous democratic success had served as an inspiration to the region and the world.

This is not only a setback for Burundi, but it is a grave setback for all of Africa. There are too few outstanding national leaders in that part of the world, leaders who are not only national leaders but are willing to be regional leaders as well, willing to bring peace to other countries, including Somalia, one of its neighbors.

In my view, the United States should vigorously support an African solution to the crisis in Somalia. I feel even more strongly today that we must support a solution to the crisis in Burundi, one that will lead to a reversal of this new journey backwards in time, into military rule in that country, and return the people of that country and the nation itself to democracy and a new freely elected government.

Madam President, I close by extending, on my own behalf and those of us who had the honor to know President Ndadaye, although only briefly, our deepest sympathies and our prayers to his family and those of the families of his cabinet, others who lost their lives and who suffered other losses through today's tragedy. We send our sympathies and commitment to strengthening all of the people of Burundi. Thank you, Madam President.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

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

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

FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1994

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate now proceed to the continuing appropriations resolution, (H.J. Res. 281); that it be immediately considered, deemed read a third time, and passed; that the motion to reconsider be laid upon the table; and that the preceding all occur without any intervening action or debate.

Mr. DOMENICI. Madam President, we have no objection on this side.

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

So the joint resolution (H.J. Res. 281) was deemed read a third time and passed.

EXTENSION OF EMERGENCY UNEMPLOYMENT BENEFITS

Mr. MITCHELL. Madam President, I now ask unanimous consent that the Senate proceed immediately to consideration of H.R. 3167, a bill to extend emergency unemployment benefits.

Mr. DOMENICI. Madam President, reserving the right to object, and I will object. But let me first say I have been instructed on our side that there is objection. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Madam President, I ask unanimous consent that H.R. 3167, a bill to extend emergency unemployment benefits, now be advanced through its proper stages and that it now be in order to move to proceed to it; and that the cloture motion, which I now send to the desk, mature on Monday, October 25, notwithstanding the fact that the Senate will not be in session tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I have no objection, Madam President.

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

CLOTURE MOTION

Mr. MITCHELL. Madam President, I now send a cloture motion to the desk and ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 the motion to proceed to H.R. 3167, a bill to extend the emergency unemployment compensation program:
>
> Jeff Bingaman, Tom Harkin, Pat Moynihan, Pat Leahy, Byron L. Dorgan, Max Baucus, J. Lieberman, D. Pryor, Harry Reid, Jay Rockefeller, Howell Heflin, Wendell Ford, Russell D. Feingold, Daniel Inouye, Frank R. Lautenberg, Tom Daschle.

Mr. MITCHELL. Madam President, I regret very much that we have been unable to obtain consent to proceed to the bill to extend emergency unemployment benefits.

As my distinguished colleague has indicated, not he, but at least one or more Republican Senators have indicated an objection, which the distinguished Senator made in their behalf. That means that the Senate cannot now proceed to this bill.

I had been advised by my colleagues on the other side that there will be a filibuster of our effort to proceed to the unemployment insurance bill.

Therefore, being notified of an intention to filibuster, I have no choice but to file a motion to attempt to end that filibuster.

I think it is especially regrettable that a filibuster occur on an unemployment insurance program. The extended unemployment program expired on October 2. It has now been 3 weeks since the program lapsed.

While those persons receiving extended unemployment compensation prior to October 2 continue to receive the compensation for which they are eligible, all those who have lost their jobs and have exhausted State compensation since October 2 have been unable to file for and receive Federal extended compensation.

According to the Department of Labor, 62,000 people each week exhaust their State benefits. This means that about 186,000 people and their families have been without unemployment compensation since October 2.

This legislation would extend the program through February 5, 1994. It is expected that approximately 1 million Americans would receive additional compensation during that time and, of course, those 1 million Americans will not be able to receive it if this filibuster succeeds.

Madam President, over 8½ million Americans are now unemployed. Nearly 6½ million Americans are working part time because they cannot find full-time work, even though they want to work full time. Unemployment today is slightly less than it was in

1991, when the first extension of the unemployment insurance program was enacted. However, the number of long-term unemployed persons is significantly higher now than it was then.

In November 1991, when the program was first extended, the unemployment insurance rate was 6.9 percent. Last month, the rate was 6.7 percent. However, the number of persons jobless for 6 months or longer in November 1991 was 1.370 million. The number has risen to 1.745 million. So the fact of the matter is that the circumstances intended to be met by the extended program are no better today and, by one very important indicator, they are worse than they were when the program was extended.

It is my belief that we should proceed to and pass this legislation. I regret very much that our colleagues have made a decision to filibuster it to prevent it from coming before the Senate.

Under the rules of the Senate, the vote to end the filibuster cannot occur until the second calendar day after the day on which the motion was filed. That means that this motion will mature on Monday. Therefore, on Monday, the Senate will vote on whether to continue this filibuster or whether the Senate should proceed to consider debate and hopefully pass the unemployment insurance bill.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I do not wish to speak, but I had a request that one Senator have a couple of minutes to respond. Could we work on the unanimous consent to what we do after that, so I will be on notice and then save some time for that Senator?

Mr. MITCHELL. Yes.

UNANIMOUS-CONSENT AGREEMENT—INTERIOR APPROPRIATIONS CONFERENCE REPORT

Mr. MITCHELL. Madam President, I ask unanimous consent that, at a time to be determined by the majority leader, after consultation with the acting Republican leader this evening, the Senate proceed to consideration of the Interior appropriations conference report; that there be 2 hours of debate, equally divided in the usual form; and that, upon the conclusion of that debate or the yielding back of time, the Senate vote on the cloture motion, that vote originally having been scheduled to occur on tomorrow.

Madam President, I want to make clear that we are talking about 2 hours for debate prior to the cloture vote, as opposed to 2 hours for debate on the conference report itself and, pursuant to the previous agreement, that time will be equally divided and controlled between Senator BYRD and Senator WALLOP.

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

Mr. DOMENICI. Madam President, I wonder, I say to the majority leader, if we could just go ahead and make it 8:30 when we start, rather than he and I having to determine that time. We will have our Senator here and the discussion will have taken place, or we will proceed, in any event. Is 8:30 all right?

Mr. MITCHELL. I have no objection to that.

Mr. DOMENICI. Could we modify the request to include that?

Mr. MITCHELL. Madam President, I am advised that a change has been made.

Madam President, I ask unanimous consent that the request be modified in two respects: first, that the Senate proceed to the consideration of the matter at 8:30 p.m.; and, that the time be equally divided and controlled between Senator BYRD and Senator NICKLES.

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

Mr. MITCHELL. Madam President, I thank my colleagues for their cooperation.

I now yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BYRD. Madam President, I yield myself such time as I may require.

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

H.R. 2520—FISCAL YEAR 1994 INTERIOR APPROPRIATIONS BILL—CONFERENCE REPORT

Mr. BYRD. Madam President, I urge adoption of the conference report on H.R. 2520, the fiscal year 1994 Department of the Interior and related agencies appropriation bill. This conference report and accompanying statement of the managers appeared in the CONGRESSIONAL RECORD on October 15, 1993, on pages 24833 through 24854.

The agreements before the Senate today total $13,621,625,000 in budget authority, and $13,622,074,000 in outlays, as scored by the Congressional Budget Office. As such, the bill is below the 602(b) allocations in both budget authority and outlays, by $14,375,000 and $8,926,000, respectively. No across-the-board reduction has been taken in order to comply with the allocation. All programs have been funded at a level that fits within the constraints of the budget targets. In addition, the recommendations of this conference agreement represent a total decrease below the amounts requested in the budget of $213 million in budget authority and $242 million in outlays.

Madam President, reaching agreement between the House and Senate is never easy on the appropriations bill, and this bill is no exception. Each Senator would probably recommend a different compromise than that before the Senate today. I would remind all Senators, however, that this package attempts to address the many different priorities of all Senators, and House Members. No one is 100 percent satisfied, nor does any Member get everything exactly the way he or she might prefer.

The conference had to resolve nearly 1,100 items of discrete difference between the House and the Senate. The bill had a total of 125 Senate amendments. The formal conference met on four different occasions, preceded by many hours of preliminary negotiations. This bill has been the subject of a great deal of scrutiny. Most Members have a direct interest in projects in the bill that affect their States, as well as the numerous policy issues.

There has been a great deal of talk about a filibuster against this conference report. Some Senators are not happy about the compromise position reached relative to the Western rangeland issues and grazing fees, and would propose to delay action on this entire package. I would remind Senators that last night, the House voted by a margin of nearly 3 to 1 in favor of the compromise contained in this conference agreement. In addition, the House voted previously by a similar margin against the moratoria on grazing reforms included in the Senate bill. So I would suggest to Senators that the chances of a better compromise are very, very slim indeed.

I urge my colleagues to reject this filibuster strategy and instead let us proceed with our consideration of this measure and getting it to the President's desk.

Madam President, I would like to thank Senator NICKLES for his assistance on the Interior bill throughout our consideration of these matters this year. The subcommittee received over 1,800 amendment requests from Members this year, totaling some $2.7 billion in add-on funding requests. The Senate bill and the conference agreements were fashioned in a bipartisan manner. Obviously, not every request can be fulfilled. But we have done our best to maintain program continuity while also addressing items of interest.

I will highlight some of the items of interest in the conference agreement.

The conference agreement includes proposed reforms to Federal grazing and rangeland management policies. These include a fee increase to $3.45 per animal unit month over the next 3 years, and certain management reforms proposed by Interior Secretary Babbitt in August. Neither the fee nor the land management reforms are all that Secretary Babbitt wanted, nor are

they all that Senators representing large public land grazing States would want. As such, they behold the mark of a true compromise.

The subcommittee has attempted to protect the operational base of the agencies funded in the bill. The National Park Service operating account is increased by 9 percent over last year, which will mean more campgrounds stay open, more interpretive programs will be offered, and deferrals of maintenance will be kept to a minimum.

Total funding in the bill for Federal land acquisition and State outdoor recreation grants is $254.3 million. This amount is $30.4 million below the fiscal year 1993 level and $40.9 million above the President's request for fiscal year 1994.

Total funding for construction in the land management agencies amounts to nearly $534.8 million. This total is about $74.1 million, or 12 percent, below the fiscal year 1993 appropriation for these same construction accounts and $10.7 million below the President's request for the same.

Funding for energy conservation programs grows by $111.5 million, or 19 percent, over the fiscal year 1993 enacted level. Funding for the energy weatherization grants program is recommended at $206.8 million, an increase of about 11.5 percent over last year.

Funding for fossil energy research and development is $430.7 million, or 3 percent, above the fiscal year 1993 appropriation. The recommendation includes increases above fiscal year 1993 of 19 percent for natural gas research, 32 percent for petroleum programs, and a reduction of 11 percent for coal research and development.

Indian programs are funded at a total of $3.8 billion, which includes significant increases for Indian education, health care, contract support, and funding for negotiated land and water claim settlements.

The bill includes $163.5 million for the National Biological Survey, the new science research agency proposed at the Interior Department.

The bill contains none of the mining-claim patent moratoria language which was in the House bill.

The bill provides a total of $69.5 million in various accounts for costs associated with the effects of the new forest management policies in the Pacific Northwest.

Mr. President, at this time, I would also like to clarify several items with respect to the conference agreements. In the statement of the managers accompanying the conference report, under amendment No. 49, on page 34, there is discussion about the Northern Mariana Islands. The actual dollar amount is $27,720,000, which is reflected in the dollar totals for the affected account.

With regard to the $500,000 for Blackstone River Valley National Heritage Corridor listed on page 19 of the statement of the managers, these funds are for technical assistance.

Within the total funds provided for operations, the Park Service may allocate funds for the Keweenaw National Historical Park, not to exceed $150,000. In addition, the budget included funding in the general management plan category for activities at Keweenaw NHP, and the managers have taken no action in conference to change this proposal.

Of the funds provided for land acquisition at the E.B. Forsythe National Wildlife Refuge, NJ, up to $1,000,000 may be used by the Fish and Wildlife Service in areas other than those specifically discussed on page 15 of the statement of the managers.

Also in the statement of the managers, on page 15, the Emiquon National Wildlife Refuge is in Illinois, not New Jersey; and on page 57, the White Earth Clinic is in Minnesota, not Montana. Also, on page 18, the $350,000 for Big South Fork NRA, TN, are for trails and other maintenance backlogs.

Mr. President, I urge the Senate to adopt this conference report and the amendments thereto.

Mr. LEVIN. Mr. President, I appreciate the assistance of the distinguished chairman of the Appropriations Committee relative to the level of fiscal year 1994 funding for the Keweenaw National Historical Park included in the Interior appropriations conference agreement.

Is it the bill manager's understanding that the Keweenaw NHP is eligible to receive operating funds in fiscal year 1994, notwithstanding any inferences that some could otherwise draw from the conference report?

Mr. BYRD. The Senator is correct. The managers of the conference have agreed Keweenaw NHP is eligible to receive operating funds under the conference report and that the National Park Service [NPS] may provide up to $150,000 for operations at Keweenaw NHP in fiscal year 1994.

Mr. LEVIN. Is it also true that the park may receive funds in fiscal year 1994 in addition to those that come from the NPS operations account?

Mr. BYRD. The Senator is correct. For instance, the budget included funding of approximately $110,000 in the general management plan category for activities at Keweenaw NHP, and the managers have taken no action in conference to change this proposal.

Mr. LEVIN. I thank the chairman for his help on this important matter. The funds made available by this conference report will help keep the doors open and at least some staff on site at this new park. I also hope sufficient funds will be provided to allow the park's advisory commission to begin operating. Congress authorized this park in 1992 after many years of hard work in the legislative process, and I will continue to seek adequate funding for it as long as I am here.

Mr. BYRD. Madam President, I yield the remainder of the time under my control to the distinguished Senator from Nevada [Mr. REID].

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I yield 10 minutes to the Senator from Washington.

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

Mrs. MURRAY. Madam President, this year alone, the grazing issue has been subject to lengthy discussion, debate, and negotiation.

First, there was the President's budget plan. Then we had the Interior Department's regulatory package. After the Senate said no to that, negotiations—intense negotiations—followed. What we have now is a compromise; the very word means everyone had to give something.

This is no longer about grazing fees and regulations: This is about partisan gridlock. This is about holding hostage the budgets of every Federal agency under the jurisdiction of this bill in order to frustrate a well-reasoned compromise.

There is too much at stake in this bill to let gridlock rule the day. This bill means too much to too many people throughout this Nation and in my region to let it fall prey to the tactics of gridlock and delay. I would like to talk for a few minutes about some of the important things in this bill that—on their merits—argue for avoiding the frustration of filibuster.

I have come to the Senate floor several times to talk about natural resource issues that people in the Northwest have been struggling with for years. The most prominent of these issues has been management of national forests in the range of the northern spotted owl.

During the 1980's, timber harvests on national forests increased dramatically over historical levels. As the decade came to a close, Forest Service biologists determined that the spotted owl was threatened with extinction because its habitat was being consumed. Further, they declared the owl an "indicator" species whose decline was showing problems with forest health.

This began years and years of painful debate in the Pacific Northwest about the fate of these forests. Caught in the middle of this debate are people with historical and cultural ties to the forest products industry. For these people, it has been years of uncertainty. It has been the anxiety of not knowing what the future holds. It has been endless lawsuits, and the gnawing frustration of dealing with an indecisive bureaucracy.

This year, things changed. The country elected new leadership.

The President himself convened a scientific team to examine the best available science on forest health. This team was charged with figuring out how much timber the forest can provide, and still be home to salmon, birds and other wildlife that give our region its special identity.

The team came up with a plan. The plan proposes major changes in the way Federal forests have been used. They want to conserve salmon habitat; they want to provide enough habitat for the owl and the marbled murrelet. They want to turn young tree stands into forests with old growth characteristics sooner.

These changes bring major economic shifts, and no lack of hardship, for people in my State who live in timber dependent communities. I am not here today to debate the merits of these changes, but I must say to my colleagues they have not been received warmly in many quarters.

But when it unveiled the plan, the Government said something else: It said, "We are going to design a new economy in the region. We are going to invest in people, encourage creativity, and turn conservation into economic development." This proposal was received enthusiastically by people in rural Washington. It showed that after years of Government hang-ups, the Government was doing something positive.

Specifically, the administration of Bill Clinton and Bruce Babbitt—that has been so villified on the Senate floor today—proposed $1.2 billion in economic investment over 5 years, including grants for counties and towns, loans and technical assistance for small business, support for educational opportunities, social services, and new job creation in forest management. This year's package is about $280 million.

Thanks to bipartisan work between Senator HATFIELD, Senator BYRD, Senator NICKLES and myself, the Interior bill is the centerpiece of that package:

It contains $27 million for watershed restoration—which is basically heavy construction that improves salmon stocks;

It contains $10 million for community assistance administered by the Forest Service;

It contains $6.5 million for old growth diversification—a proven successful program—in Washington, Oregon, and California;

It contains $2.5 million to fulfill prior Federal commitments to the residents of Skamania County, which has experienced 20–30 percent unemployment for several years.

This is more than just numbers for my State. It represents the Government keeping promises, reaching out, and trying to be a partner. It is delivering on a promise by providing incentives for people to be involved in making change work.

There are skeptics and there are critics. They said to me: "Are you sure the Senate is going to do this?" There are a lot of people who want to see this conflict end, but tonight these provisions are being held hostage by the same tactics that have prevented our tough regional issues from being resolved in the last 5 years.

I suggest these tactics are not constructive. They raise false hopes. More often than not, gridlock—as we are seeing tonight—sets progress back. When a vocal few can succeed in derailing a well-reasoned plan, nothing is accomplished and no one is served.

Are we not above that? Do not the American people want to see a government that can make decisions and compromise and move forward? I think the answer is yes, and I urge my colleagues to let debate on this amendment end in compromise. I urge them to recognize the countless hours spent and the excellent job done by Senator REID considering grazing reform, just as countless hours have been devoted to forest management issues. It is time to support the Reid amendment and the conference report. This bill is far too important to many very real people to be stalled in this U.S. Senate.

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Madam President, I yield myself 1 minute, and then I will yield to the Senator from New Mexico, Mr. BINGAMAN.

This is not gridlock. This is not partisan. It is disingenuous to claim that it is.

There are people on both sides of this issue whose constituents' livelihood is directly affected and directly threatened by it. This compromise was conducted in the back room. Neither House of Congress has held a hearing on any of the provisions of it. Neither House of Congress voted specifically on any of the provisions of it. They voted generically on it. This was done without hearings.

This Congress, passing the President's budget bill, managed to say that ordinary citizens cannot deduct the cost of lobbying. Now this Congress is about to say that ordinary citizens are not even allowed on their own hook to be heard before we pass bills that affect their lives specifically and directly.

Madam President, I yield 6 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 6 minutes.

Mr. BINGAMAN. Madam President, I thank the Senator from Wyoming for the time.

I rise to speak against the grazing provisions that are contained in the 1994 Interior appropriations bill. I am opposed not to reform but to the process that we have followed. Just as I did not support the administration moving ahead without the opportunity to scrutinize the proposal that they had presented, I do not support this so-called compromise which has been made on the Interior appropriations conference. This is not good government or good policy, Madam President. We should not, in one fell swoop, make major changes to the Federal Lands Policy Management Act on an appropriations bill.

The issue before us is not whether we should have a change in the grazing fee formula. I think that issue has been debated now for several Congresses. It is clear that some change in that formula is appropriate and is going to occur.

It is important that it occur and that we get stability in this issue so that those who make their living from grazing on the public lands will know what their situation is and will be able to assess their economic future; so that the people involved in ranching on public lands States will be able to borrow money; so that people will be able to get on with their lives in a reasonable way.

The issue is not whether some reform will occur. The issue is whether we should allow dramatic change to occur and whether we should move forward at the breakneck speed that has been proposed in this bill.

What I am hoping for is not to stop rangeland reform, but to give us the time to work on properly tailoring this proposal so that it addresses the diversity of the ranching industry. Ranching in the Southwest is very different from ranching in other parts of the West. It is very different to engage in ranching in Montana as distinct from New Mexico, and we need to look at the arid parts of the West and be sure that ranching can continue in those areas as well.

We need to look at the small ranchers who are most affected. Madam President, I am very concerned that the financial ramifications of raising the fees to the level proposed in the conference report, as well as some of the other provisions in this proposal, have not been fully considered.

From what I have heard from many of my constituents, this proposal could do severe damage to New Mexico ranchers. I received hundreds of letters and phone calls from New Mexicans, most articulating fear and anger with what is in this conference report. Many are writing to share their thoughts that this proposal will have unintended effects that have not been properly thought through. Let me share some of the correspondence with my colleagues.

On the issue of range improvement ownership, Jim Jackson, a rancher in Quemado, NM, writes that by claiming ownership of future improvements on Federal land, the Government is giving

a clear message to the livestock industry to build improvements that are only beneficial and absolutely necessary to the permittee's livestock interests. This proposal creates a major disincentive to investing time, money and labor in conservation improvements which may take years before they show benefits. As Mr. Jackson notes, quoting from his letter:

Ownership is a return for taking a risk, just like risky investments in the financial market require higher rates.

On the need to tailor this proposal to the diversity of the West, another rancher in my State, R. W. Johnson of Cuba, NM writes:

Western grazing lands are not all created equal; the harvest is not equal nor is the overhead. Surviving the standardized grazing increase will depend on climate, economics and the local environment, along with the human factors of self will and preservation.

Mr. Johnson goes on to say:

I have been ranching here since 1971 and have suffered through numerous droughts and several blizzards. There have been years I had to borrow money to feed my children and my cattle, but I persevered. In that time, I built 28 lakes and treated 5,700 acres of sage to increase grazing capacity, I have drilled four wells and seen the wildlife double. I feel I do the public a service by doing these things.

Madam President, the testimony of the people who ranch for a living should, I hope, cause us to reflect on one of the truly awesome responsibilities we have here in the Senate: That is, to make decisions that will dramatically affect people who are thousands of miles from Washington. In this case, we are talking about people whose lives are totally outside the realm of experience of the vast majority of Americans.

To quote from the Death of a Salesman: "Attention must be paid."

I conclude that there is no one reality in the West. There have been and continue to be ranchers who are excellent stewards of the land, and there have been and continue to be significant ecological abuses of the land by others. But we have a responsibility to fix this problem in a manner that respects the West, its people and the impact of our decisions.

It is important to me, Madam President, that we preserve the uniqueness of the West. Driving people off the land will only bring despair, turmoil and poverty. It will not do much for the environment either for these ranches to be broken up into 40-acre developments.

What ranchers and bankers all over New Mexico have told me is, simply, this bottom line: This proposal will bring about major devaluation of ranching operations. We are talking about people who have borrowed heavily under one set of rules. We are changing those rules in midstream; with no transition, no exceptions, no recognition of the diversity of the range. We can do better than to do something this drastic, with absolutely no mechanism for public input, and no opportunity for this program to be adjusted in some way.

One of the most difficult jobs an elected official has is to vote for no change when you want to support change, because the change that's proposed is the wrong change. I have never believed in change for change's sake. I do want the right change. Unfortunately, that is not what is being offered here today.

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

Who yields time?

Mr. WALLOP. Madam President, I yield to the Senator from Idaho 4 minutes.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 4 minutes.

Mr. CRAIG. Madam President, 27,000 families in our public lands Western States need to have an answer to this question: What does the phrase "valid existing rights" contained in the grazing amendment mean? How is it defined? Is it leaving a door wide open for Secretary Babbitt to define administratively just how an existing water right or prior existing right on range improvements on public lands will be grandfathered?

My time will not allow, but what I am putting in the RECORD is an explanation of current law that this language came from.

"Valid existing rights," as it relates to mining claims, based on a variety of factors, a very stringent discovery standard, a very stringent marketability of mining products, a standard of proof that a prudent man would invest in further production and/or sale at a profit of a valuable mineral.

What I am telling you tonight and what the record is now revealing for the first time, is that thousands of men and women across Western States are going to have to go to their attorneys and find out what in those 18 pages of law that we are debating tonight is meant in phrasing "valid existing rights." Because the fuzziness of the explanation demonstrates, Madam President, that "valid existing rights" can be in the eye of the beholder, especially when the door is left wide open as it is in this proposal for the definition of the Secretary of the Interior. This amendment would also establish new standards and guidelines for the restoration, the protection of riparian values such as healthy wildlife and fish habitats and diversified vegetation. These requirements affect all permits and leases on public lands. They are not just related to grazing permits.

None of us can argue that these are not worthwhile and laudable goals. They are. But the problem is no one has asked the question, no one has built the public record. Therefore, it is under wide interpretation by Secretary Babbitt and his green generals down at the Department of the Interior.

Mining companies today know that they have spent millions of dollars defining in the courts what "valid existing rights" means.

Is the Senator from Nevada suggesting that cowboys, ranchers, cowgirls are going to have to spend their valuable money to determine what this Senator means by "valid existing rights?" I would suggest that because the record is silent, because there is no record, that is exactly what the Senator from Nevada is forcing ranchers across Western States to do. Whether it is through their grazing associations or through their own attorneys, they will now have to determine through court case after court case what the congressional intent was in this gigantic silent loophole built within the law.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. REID. I yield 2 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 2 minutes.

Mr. MATHEWS. Madam President, I have listened to debate over the grazing fee compromise put forth by my friend the distinguished Senator from Nevada.

I have been distressed to hear this issue couched as a conflict between Western and non-Western States.

Mr. President, this issue is not a regional conflict—it is a question about the prudent use of public lands.

That issue affects every Member of this Chamber.

Virtually no geography book calls Tennessee a Western State. Yet Tennessee—like every State in the Union—boasts national parks and public preserves, just as it holds farmers and ranchers who could make use of those lands.

This issue affects the people of Tennessee. And the people of Tennessee would say it is reasonable and proper that those who make use of public lands should pay a fair fee for their use.

By most accounts, the current Federal grazing fee is woefully below standard—about one-fifth the amount ranchers pay to graze animals on private lands.

The amendment by Senator REID is a reasonable and prudent, phased-in approach that brings Federal fees closer to private sector parity. So long as we maintain deeply below-market fees, we are not taking prudent stewardship of resources that belong to all Americans.

We are talking about increasing monthly fees from $1.86 to $3.45—over 3 years, mind you. That is not outlandish.

There is nothing outrageous in asking ranchers to pay 12 cents a day to

graze a cow and a calf or a horse or five sheep.

I bet kids in Casper or Santa Fe or Nashville pay more than 12 cents a day to feed a gerbil or a pet rabbit.

Arguments against the Reid amendment have descended to precisely that beastly a degree of comparison. Let us see them for what they are and pass the Reid amendment for the slight improvement it makes.

Madam President, I think the record will show that I was one of the Senators who joined with the western group here when this bill was initially passed in order to keep the proposal that was before the Senate from becoming a part of that bill. I raised the ire of a number of our press in Tennessee wanting to know what business I had voting to keep these below-the-market rates. I have had a hard time explaining that. But it is not difficult when you look at the proposition because I was convinced by those people I have been associated with that the structure was put together, the proposal was put together without the benefit of having input from the people involved.

I have said on that basis I think it deserves more consideration. But that consideration has now taken place. The conference committee looked at the equities across the board. The conference committee came back with a proposal that Senator REID and others feel adequately addresses the proposition. The conference committee came back with a proposed schedule of fees that amounts to, I believe, if you divide it out, 12 cents a day per animal unit. As I said, I do not know anyone in this Chamber who has a kitten, a rabbit, or gerbil, or anything else that we spend less than 12 cents a day on.

Madam President, I feel that the proposal before us is a good one. I do not think it is a western proposal.

The PRESIDING OFFICER. The Senator's 2 minutes are up.

Who yields time?

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Madam President, I will make an observation and yield to the Senator from Colorado.

The observation is that the conference committee heard from no one but whom it wanted to hear. My ranchers whose livelihood is desperately affected by this were not heard. My bankers whose ranchers' fortunes are directly tied to their own were not heard. My small town businessmen were not heard. The State engineer of Wyoming was not heard when the water of the State is going to be taken away.

The Governor of Wyoming was not heard. Let me just quote what he said of this proposal. Because he was not allowed to be heard, he had to write a letter, and he said:

I cannot in good conscience support a so-called compromise that has the potential to drive good people and good stewards from the range in the West. I hotly dispute the Secretary's implication that western Governors were supporting the compromise. And when I see Representative Mike Synar praising the compromise in the next paragraph of the Secretary's news release, then I know we were right.

Western Governors were not heard. They were ignored. Westerners were not heard. They were ignored. It is time that the Senate understood that this is not the process of legislation but dictation.

I yield 8 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 8 minutes.

Mr. CAMPBELL. Mr. President, I thank my colleague, the Senator from Wyoming.

I spoke once about this today already. I would like to add a few more things because in less than 2 hours we will be voting on a motion to cut off debate on this issue that is vitally important to over 26,000 hardworking western families.

Contrary to some of the previous statements, I do not see this as a partisan issue. There are Democrats and Republicans alike opposed to this conference report, and I do not see it as intentional gridlock. We are talking about people's future, and if you call that gridlock, you may do so. I call it fighting for the lives of my neighbors and my friends and people I have grown up with and believe in.

The grazing legislation embodied in this bill would codify 19 pages of so-called "reforms" but those reforms will literally destroy many rural western communities. Congress and the people who live in the West need an opportunity to discuss this issue more thoroughly.

First of all, these rangeland reform proposals contradict statutory law including the Taylor Grazing Act, the Federal Land Policy and Management Act, the Public Rangeland Improvement Act and several others. And I might say that some of those have had 60 years of interpretation and the implementation of those statutes.

Second, the need for proposed regulatory changes is not substantiated. Some of the studies cited as examples of the need for reform are misinterpreted and none recommend the sweeping changes that are in this conference report.

Third, the specific proposal to increase the grazing fee is not supported by adequate data, fails to consider relevant material data, and omits required economic analysis.

There is also no showing that the administration of the grazing program will be improved as a result of the proposed regulations in this legislation.

And last, the national mandatory standards and guidelines are not supported by data or scientific study, are contradicted by other well-regarded research, and should be withdrawn. Rather than accepting this legislation or implementing the proposed reform, the BLM should appoint a committee of scientists to develop appropriate standards and guidelines, with appropriate public comment and review.

Earlier today on the subject, I focused on the policy changes. I would like to just talk a little bit about the dollars and cents of it this evening.

Ranchers are family farmers of the West. The establishment of a fair and equitable grazing fee is necessary to ensure their survival. It may sound redundant, but it is no lie that ranching remains a key component in the western rural economy. For every dollar the rancher makes, there is the equivalent of a yield of $5 of additional money in the economic activity in the American West. Not only does that add billions for the Nation's economy in much of the West but it is the single largest source of economic activity in tax revenue.

Every western ranching job creates as many as four jobs on Main Street. If ranchers go under, so will the tractor, truck and automobile dealers, the gas, grocery and feed store owners, the veterinarians, doctors, and dentists, and many others who make up the commercial and social fabric of rural western towns.

A fee that is not based on sound science and careful study will destabilize the entire livestock industry and the rural western economic infrastructure it supports. If Congress and the administration want livestock grazing on Federal lands, and the billions of dollars in economic activity it represents, it must consider the Federal Forage Fee Formula Act that has been introduced.

The failure to consider studies is a serious flaw. There is an extensive body of technical analysis regarding the grazing fee issue. The fact that the current administration does not agree with the outcome does not make them irrelevant. If actual data and criticism is considered, the agencies must conclude that the data do not support a grazing fee in the amount now being proposed. Thus, the agencies are setting the fee on an entirely arbitrary basis—a fact that should be acknowledged.

A recent study released by Pepperdine University entitled "Montana Ranches Using Federal and Nonfederal Grazing Forage" provides solid, empirical data and is the most exhaustive analysis of western ranching yet. It evaluated confidential bank records, loan files, operating records, and actual sales records. It provides a powerful answer to this question: Who has the advantage, the western Federal land rancher or his private land neighbor? The results were astounding.

For every dollar that his neighbor, the private land rancher, pockets at the end of the year, the Federal land rancher gets only 66 cents. The Pepperdine study shows that for the public lands rancher, expenses are inherently higher and productivity is less.

The study shows more. In the past 20 years, a generation of time, the Federal land rancher has suffered a loss of ranch value equal to $350 for every unit of production he owns.

In the meantime, the rancher on private land has increased the value of the herd and his property.

The study shows more. In the past 20 years, a generation of time, the Federal land rancher has suffered a loss of ranch value equal to $350 for every unit of production he owns. This means, if a rancher can graze 100 cows on his Federal lands ranch, his loss in ranch value has been $35,000 over the last two decades. Contrast this with his neighbor who has 100 cows on private land. In the same 20-year time frame, his 100-cow ranch has increased in value by $80,000. Make no mistake. Private lands are more productive and are not subject to the uncertainty of doing business with the Federal Government.

I might mention the obvious. There is no appreciation of land value if you do not have clear title to it. Livestock raising continues to be one of the most important tools available to rangeland managers to protect and enhance the environment on our public lands and has contributed to an increase in the overall health of western rangelands. Indeed, 55 years after the passage of the Taylor Grazing Act, it can be said that much of the public rangeland is more healthy and supports a greater diversity of plant and animal life. And that was reflected in an internal memo just recently released by BLM.

The administration's proposed action seems to be aimed at a very small fraction of ranchers that are often called the western empire of people that buy grazing permits with money made in other endeavors and use ranching as a tax writeoff. That does not apply to the majority of the people I know. The vast majority of them are simple hard-working people, trying to live on an average of about $20,000 a year.

Raising grazing fees and thereby driving people off the land does not raise revenue. That has been seen before in the ill-fated luxury tax. Very often, what you do by raising fees is simply dry up the business and kill any revenue that might come into the Federal Treasury.

I do not know which of us on either side of the aisle can win this debate. But I can tell you that I am sure about who is going to lose the eventual debate. That is going to be the administration in the 1996 election. You cannot jeopardize families, make ghost towns out of ranching communities, kill jobs, and then go back and ask the dead and dying for their votes.

I urge my colleagues to vote against the conference report.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. DECONCINI). Who yields time?

Mr. WALLOP. I reserve the remainder of my time.

Mr. REID. Mr. President, parliamentary inquiry. Can the Chair tell the Senator from Wyoming and the Senator from Nevada how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Nevada has 46 minutes and 41 seconds.

Mr. REID. And the Senator from Wyoming?

The PRESIDING OFFICER. Forty minutes and fifty-six seconds.

Mr. REID. I yield 10 minutes to the Senator from Arkansas.

Mr. BUMPERS. Mr. President, first, I want to congratulate Senator REID and Senator DECONCINI for what is a very courageous position for them. There is not a person in this body that does not know that I have been trying to reform the mining laws of this country for years. I really do not have a dog in this fight. I have not been extensively involved in the grazing fee fight. I know the distinguished Senator from Wyoming has said on the floor of the Senate that there is an anti-Western bias in the Congress and in the Senate.

I really can understand the hostility of western ranchers and, indeed, western Senators toward anything that has a tendency to tear up their playhouse. Ranchers in the West have a very legitimate interest in raising cattle on Federal lands. And we have an interest in allowing them to do it. And it ought to be a mutual friendship. It ought to be mutually beneficial to both.

Unfortunately, it has not been mutually beneficial. And the reason the issue of grazing fees has been with us as long as poor people have been with us is because some people refuse to accept any modification, any change.

Mr. President, why are we here? Why are we here year after year after year trying to raise grazing fees to a level that the ranchers can live with but that is fair to the American taxpayer? Is that not what we are here for? Does anybody here think for a moment that Senator REID and Senator DECONCINI who come from Western States are not jeopardizing their political futures considerably by very courageously saying we will attempt to compromise the issue.

I do not know whether Secretary Babbitt's figure of $4.28 per AUM by 1996 is the right figure or not. But I do know one thing. Today, at this moment, if you lease private lands on the same basis you will pay $10.03 per animal unit month.

And I can hear the argument already, sailing back across the aisle, "Yes, but, Senator, while you are proposing to charge us $2.76 next year, $3.52 the following year, and $4.28 the third year, 1996, you do not understand. We have to build our own fences. We have to put in our own pumps. We have to dig our own ponds. We have to provide water, improvements, and buildings."

And that is true.

But, look. In 1992, the rate was $1.86. You compare that to $10.03 in the private sector. Are the taxpayers of this country being treated fairly? You tell me about all these improvements that the Federal Government requires you to put on this land. Do you know what a Forest Service and BLM study shows? That the average expenditure by a rancher per AUM on Federal land is $1.17.

So go ahead and add $1.17 to $1.86. You still have a $7 disparity per AUM between what you have to pay in the private sector and what you have to pay as a rancher with a grazing fee permit from the Bureau of Land Management. That is not fair for the taxpayers of America.

One of the things that I do not understand—and maybe I do partially—and that is the number of western Senators here who are opposing this Reid-DeConcini compromise.

Instead of charging ranchers $4.28 per animal unit month in 1996, the compromise says we will only charge $3.45. That is a big savings to the ranchers.

So let us assume that when we vote tonight on cloture to break a filibuster, we fail. Let us assume that the Senator from New Mexico who is leading the charge against this compromise prevails in the U.S. Senate, and we are unable to break the filibuster. Where does that leave western ranchers? I tell you where it leaves them? It leaves them right at the mercy of the Secretary of Interior, Bruce Babbitt, who has legislative authority to raise rates by almost $1 more than the compromise.

Senators can go home and say "I fought that compromise to a standstill." And the ranchers will stand and cheer and say, "You are so wonderful to save us from the bad old Senate." And then the next day they pick up the paper and see where Secretary Babbitt just issued a new rule, which he has the authority to do, a dollar higher than the one you just defeated on the floor of the U.S. Senate. Maybe that is one of those bridges you want to cross when you come to it. I see that as a real distinct possibility.

I must say that it seems to me that you can always say, "I fought like a saber-toothed tiger to keep them from raising grazing fees," but, by the same token, it seems to me you are also stepping on your own foot.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. BUMPERS. Yes, I will.

Mr. DOMENICI. Which would the Senator prefer, to die by hanging or to die by firing squad?

Mr. BUMPERS. Senator, I have been here 19 years, and I found out a long time ago that discretion is the better part of valor. If I have a chance to tell my people back home: This is not nearly what you would like, but it is so much better than what you are about to get; and if I had to wage a valiant fight on the floor of the Senate, it would have been much worse.

I am saying to all of my friends from the West that I have no western bias. I have a bias in favor of the taxpayers of America being treated fairly. I have a bias in favor of the Federal lands of this country being grazed in a sensible, good manner; not overgrazed.

Mr. WALLOP. Will the Senator yield for another question?

Mr. BUMPERS. Yes, I yield for a question.

Mr. WALLOP. Is the Senator aware that there are 18 other pages of new requirements, affecting energy and water and property development and everything else, that have nothing to do with grazing?

Mr. BUMPERS. Yes, I am very familiar with that.

Mr. WALLOP. In fact, the westerners are more worried about the legislative requirements with no hearings than they are the grazing fees. This is not just a grazing issue.

Mr. BUMPERS. Maybe you and I can work this out right on the floor tonight. Let me ask the Senator, what would it take to please him?

Mr. WALLOP. It would please us to take the recommendation that has been offered to the Senator, which is to extend the raise of the Senator from Nevada to 5 years instead of over 3, and to drop the legislative requirements, which we believe the Secretary does not have authority to do.

The Senator from Colorado will tell you that the city of Boulder will, potentially, lose its water under this. I will tell you that there are over 100 hydroelectric dams that are potentially threatened.

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

Mr. BUMPERS. Will the Senator yield me 5 additional minutes, or 2 minutes?

Mr. REID. He asked the question. Maybe he will yield the time.

I yield 2 minutes to the Senator from Arkansas.

Mr. BUMPERS. Here is a chart where the proof is in the pudding. It is true that the States do not require as much as the Federal Government in the way of improvements. But I want all of the Senators here to look. The rate in 1993 is $1.86. That is lower than it was last year, in 1992. We are going backwards. Look.

Arizona and California are the only two States in America that allow their lands to be leased for less than the Federal Government. Look at North Dakota. Even New Mexico, Nebraska, Montana, Idaho, Colorado, Oregon, South Dakota, Utah, Washington, Wyoming—they all charge ranchers a lot more money to graze on their State lands than we charge ranchers to graze on Federal lands. It is the same way with royalties on minerals. I have made this same speech.

I thank the Senator for yielding, and I will close my remarks by saying that I have helped western Senators on occasion on water rights. I have accepted wilderness bills in my subcommittee I did not want to accept to accommodate western Senators, because I knew how politically volatile it was back home. I have accepted limits on parklands to accommodate Senators who live in States where so many national parks are situated.

But I cannot in good conscience do anything but stand here tonight and say it will be disgraceful for the U.S. Senate to once again fail to reform our grazing policy. In addition, we have another body on the other end of the hall, and the body on the other end of the hall will never accept any of these things except this compromise. Therefore, I urge my colleagues to vote cloture tonight.

Mr. WALLOP. Mr. President, I yield 3 minutes to the Senator from Utah.

Mr. BENNETT. I thank the Senator.

Mr. President, I enjoyed hearing from my friend from Arkansas, as I always do. I would like to respond briefly.

I called the people back in Utah who are all concerned with this issue and laid before them the proposition the Senator has laid before the Senate here tonight. I said, "I have been told by the Senator from Nevada that if we do not accept his compromise, Bruce Babbitt will do worse things than his compromise." And I have asked, "Should I swallow my anger about what has happened and do the best thing by accepting the compromise, in order to sidestep the threat that Bruce Babbitt will come down hard on us?"

The answer I got back very firmly was: "We would much prefer to deal with Bruce Babbitt and his threats than to compromise, because we think we have a basis in the courts to deal with Bruce Babbitt, and we can protect ourselves. But if the Reid compromise is written into law, then Congress has acted, and we have no standing before the courts. Senator, stand firm."

As further support of that, I have a letter that I ask unanimous consent to be printed in the RECORD at this point, written by the Governor of the State of Utah, making it very clear what his position is.

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

STATE OF UTAH,
Salt Lake City, October 21, 1993.

Senator ROBERT BENNETT,
U.S. Senate,
Washington DC.

DEAR SENATOR BENNETT:

I cannot support the Reid amendment to the Interior Appropriations Bill, H.R. 2520. This proposed law, composed of a fee adjustment and changes to grazing management practices, may have serious repercussions for ranchers in Utah, and the rural communities in which they live. There has not been any serious analysis or debate of the substance of the proposal. The citizens of Utah most seriously affected have not been given the opportunity to be heard. I cannot support the process nor substance of a bill which exhibits such callous disregard for the needs of the hard working citizens of Utah.

I am aware of the needs of the ranching industry because my family runs a ranching operation in southern Utah. I am also aware of the great spirit of cooperation and community found among the residents of this area. The quality of life of the rural communities in Utah is some of the finest anywhere. However, this lifestyle does not come without a struggle to earn a living, and a struggle to find work for the children of the residents.

Utah also has some of the finest scenery in the world within its borders, scenery that must be protected. The rural lifestyle is complementary to and protective of the outstanding scenery, not a detriment. Many rural Utah families use a small herd of livestock as one of the incomes in a two income family. The second income may come from a job in the tourism industry. Loss of the agricultural income may cause the family to move elsewhere. Loss of community members threatens the community's ability to survive through other industries. I cannot support a proposal which so seriously threatens the stability of rural communities.

I have received letters indicating that the proposed fee would take about 10–15% of a rancher's net annual income. This money will therefore not be available for use in the local economy. This provision is a simple transfer of wealth out of the state, without any value received in return. If the BLM's cost of managing the program are so high, the BLM should seek to reduce costs, perhaps through management agreements with the state, rather than balance the federal deficit on the backs of Utah ranchers.

The grazing fee must be tied to the costs of doing business. The proposed amendment ties the fee to the forage Value Index, a measure of the cost of private pasturage. The correlation between the FVI and the total costs of doing business is too remote to be considered a measure of cost, therefore I cannot support the proposed fee structure. Further, there needs to be a longer phase-in period.

I cannot support the provisions related to water because the amendment does not make it clear that all water rights must be allocated through state water laws and processes. I am concerned that the proposals concerning ownership of water and range improvements will become disincentives to development. This will also affect the wildlife of the state, which benefit from the improvements.

I am concerned that the proposal to eliminate suspended non-use allocations will affect a rancher's ability to borrow money. I have received a letter indicating that one rancher will lose $48,360 in asset value because of the proposed provision. The forage

in question could be placed into use with the investment in some range improvements. Therefore, the rancher's ability to borrow will be severely affected, with no real gain to the agency, or on the land.

I hope that you and the other Senators opposed to the Reid amendments will be able to bring some sense into this process.

Sincerely,

MICHAEL O. LEAVITT,
Governor.

Mr. BENNETT. The last comment I will make, Mr. President, has to do with this question that we hear constantly about disparity. I have put in the RECORD before studies that demonstrate that the cost of grazing on private lands is higher than the cost of grazing on public lands, even with the $1.86 figure the Senator from Arkansas cited.

In an effort to understand this and perhaps help the other Senators understand this, I did a little study about another use of public lands—camping. I found out what it costs to go camping on public lands. It is about $6 a night. The fee varies, depending on where you go. But that is about the average. The average for camping on private campgrounds is anywhere from a low of $12 up to a high of $18 or $19 a night.

I ask this question of the Senate: If we are going to accept the logic that we have to take public costs and raise them to private costs, regardless of the services provided, but just to achieve some kind of artificial dollar parity, would we indeed support raising the price of camping permits three times from its present level.

Mr. WALLOP. Mr. President, I yield 6 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 6 minutes.

Mr. BAUCUS. Mr. President, I rise today to discuss an issue of critical importance to Montana, the West, and the entire Nation—the reform of Federal land management practice and the fees assessed for grazing livestock on those lands.

As with many important issues, this debate over grazing fees has continued for too many years. Like the Energizer Bunny we have all seen on television it keeps on going, going, and going.

Perhaps this is because the grazing debate has become so polarized. All sides hear what they want to hear and find it hard to listen to those with a different point of view.

I reminds me of what a Russian observer once said in describing Congress as being "So strange. A man gets up to speak and says nothing. Nobody listens—and then everyone disagrees." While I do not believe this is a fair characterization of what we do here in Congress, it might aptly describe the grazing debate.

The livestock industry, the conservation community, and the Department of the Interior all need to talk less and listen more. Otherwise, we will never move beyond this divisive debate.

To the credit of many within the livestock industry, much of the West is in its best condition this century than before but some problems remain. The industry and their representatives continue to champion the status quo. This is unrealistic. There is need for reform and I must say I agree with the Senator from Arkansas. The present rates are much too low. They must be reformed, and it is high time that proper reform be allowed to occur. In the end stonewalling will serve no one.

On the other side, I do not question the motives of those within the conservation community who argue for more sweeping reforms. They want what is best for the land. We all want what is best for the land. But the so-called Reid compromise falls short of a true compromise.

It will codify the bulk of Secretary Babbitt's proposal, without the benefit of the meaningful public comment upon which sound public policy must be based. That is not acceptable to this Senator and, I would hope, not to my colleagues in this body.

Representative GEORGE MILLER has stated that this package represents "the minimum the House will be willing to accept." Senator DOMENICI has stated that the proposal's "drastic changes in management" is not acceptable. And Senator REID has said "there is no in-between." With the respect due to each of my colleagues, I must disagree. We must find the in-between if we are to ever bring this debate to a close.

The prices charged for the use of our natural resources must be fair. The reform of policies governing rangeland management must be driven by what the land can sustain. And reform must consider the needs of the people and the communities dependent on public lands grazing.

For this reason, I believe a gradual, 5- or 6-year phase-in of a fee of $3.45 per AUM is reasonable. It will provide ranchers and their lenders the ability to plan for the increase.

Beyond the issue of the fee, the codification of the management provisions of this proposal is fraught with danger. Since the introduction of the budget, I have stressed the need for the public to be involved in reforming grazing policy. I stand by that demand. By returning to the process set in motion by Secretary Babbitt, we will assure that public involvement is maintained.

Some have tired of this debate. I would counter by stating that the debate is incomplete. We have discussed grazing fees many times—and we are ready to put that issue to rest. But we have yet to deliberate the issues involved with comprehensive policy reform.

Our constituents have expressed a variety of concerns which must be heard. Ranchers and bankers have stated that provisions could dramatically devalue ranches purchased based on the attachment of the base property and the grazing allotments. Local utilities have expressed fears that increased regulations would cost jobs, decrease population bases, and harm their businesses. Government officials have expressed concerns that their tax base could be reduced. These concerns must be addressed before reforms are enacted.

Furthermore, we must be aware of changes which affect the value of property owned by the residents of Montana or other western States. We must be careful, as we change the rules by which established businesses operate. But the process allows for continuing input—if we allow it to progress.

The arrival of an opportunity often goes unnoticed because it arrives dressed in overalls and representing work. Mr. President, I believe we are witnessing the arrival of an opportunity to work together to fix this nagging problem. I urge my colleagues to join me. Let's roll up our sleeves and work to craft a reasonable resolution to this important issue.

I, for one, am strongly interested in reform. I cannot support cloture until that point is reached. The Reid proposal is not that proposal. If we do reach that point in a reasonable form, I will work to achieve it.

I urge my colleagues, therefore, to not support the effort to vote cloture at this time.

I thank the Chair, and I thank the Senator from Wyoming.

The PRESIDING OFFICER (Mr. FORD). Who yields time?

The Senator from Nevada.

Mr. REID. Mr. President, I yield 1 minute to the Senator from California.

The PRESIDING OFFICER. The Senator from California has 1 minute.

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

Mr. President, I rise as someone who voted against the original Babbitt proposal and from a State that has 14 million acres of Federal ranch land affected and some 1,500 grazers.

I have had an opportunity to talk with both sides on this question. I know the chairman of the House Interior Committee, Mr. MILLER, and I know Senator HARRY REID.

I can say from the depths of my conviction that the best deal that is going to be made for the ranchers of America is this compromise tonight. I very greatly fear that if the compromise does not take place tonight the results may be litigious, but they are going to end up far worse than if this proposal carries those results.

Let me say one other thing.

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

Mrs. FEINSTEIN. My minute has expired, and I thank you very much.

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming.

Mr. WALLOP. Mr. President, I yield 8 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado has 8 minutes.

Mr. BROWN. I thank the distinguished Senator from Wyoming.

Mr. President, we often hear the claim and the concern that these bills have not had a proper hearing. Perhaps that is something that people who object to legislating on appropriations say now and then, but I cannot help but think that this is the ultimate example of what that involves.

Many people, who I think are of good spirit and honest intention, who have worked on this bill, have not been advised of the enormous impact it has on water rights throughout the Nation. Mr. President, let me emphasize, throughout the Nation.

We talk here about grazing fees and public land, but let me emphasize that this has aspects far beyond simply a few mountain States that have an enormous portion of their ground in public land.

This is perhaps one of the most revolutionary changes in water law that this Nation has ever seen, and it has the potential of damage to drinking water aspects that I think go far beyond anything that has been debated on this floor. It is literally a revolution with regard to water and water treatment and water plants and water storage of enormous proportions.

It has not had hearings. It has not been subject to scrutiny.

Mr. President, I must tell you I honestly believe that of the good people on the conference committee who worked on this, many of them were not aware of the enormous impact it has.

Let me go beyond that. Let me say I sincerely believe that the vast majority of people in that conference committee would not have voted for this provision had they had a full chance to review it.

Those are strong words and strong implications. Let me suggest I do not doubt the veracity or good intentions of any of them.

Let me just briefly spell out one of the things that has happened with regard to that. First of all, the question I think someone has raised is this does not have anything to do with water law? Let me suggest that is not the case.

I have here a letter from Mr. John Sayre, the Assistant Secretary of Interior in the past administration. He was Assistant Secretary for Water and Science. If there is one person in this Nation who is an expert on water law, John Sayre would certainly be thought of in those regards. Whether he is the most expert, I do not know. But I think anyone who is familiar with water law would recognize his name and recognize his expertise.

John Sayre says:

Subsection 406(d) and subsection 406(i)(2) are certainly not appropriate in a bill affecting grazing rights and can logically be interpreted to affect all United States' rights to water and may even resurrect the Krulitz opinion on Federal non-reserved water rights.

Mr. President, there is no question but that this bill has major implications with regard to water rights throughout the entire Nation.

Let me very briefly alert the body to something Colorado has gone through and I suspect most other States will face.

This took place before the legislation was added. And I believe the circumstances surrounding Colorado's experience are what the rest of the Nation faces.

Here is what happened: Colorado has a number of water storage projects. We have floods in the spring and we have dry rivers through 3 months of the year. Literally, in November, December, and January, our studies show, without water storage, we have less than 1 percent of the annual flow in the rivers, and in many years, without water storage, they are completely dry.

Anyone concerned about the environment has to be concerned about that impact. Water storage is absolutely vital for human existence in many parts of Colorado.

Here is what the Forest Service has. We have to, of necessity, involve the Forest Service when we talk about water storage in Colorado, because the mountain areas are owned by the Federal Government, and that is where the water is stored. Many projects have been built on private land, but ultimately you have to have some connection or a Federal permit. If one is to flood an area, one simply has to have a pipeline traverse Federal land.

Let me alert every Member, whether you are from New York or California, my guess is your States have a substantial number of drinking water provisions for delivery of water to cross Federal land that fall under the purview of this bill. Whether you are from West Virginia or whether you are from New Mexico or whether you are from California or whether you are from New York, you are impacted by the water provisions. You have to have a permit.

This bill indicates a whole new set of standards that have to be met every time you get your permit renewed.

Here is what Colorado has run into. This is without this statute, and this is why I think we will beat this in Colorado.

This is a small reservoir surrounded by the city of Greeley. It was built in 1922 and is called the Barns Meadows Reservoir. It is not on public land, but on private land. It abuts public land, roughly about 10 acres, in the yellow here.

They have to have a permit to cross the public land to deliver the water and they have to have a permit, because they abut the public land. The permits issued for that range up to 30 years, sometimes, at the discretion of the Forest Service; 5 years, 10 years, 20 years, 30 years, it is up for renewal.

The Forest Service has said to the city that owns this drinking water, they have said to the people who own this, the city—these are not developers; the city that provides clean drinking water for the city—that in renewing the permit they want a third of the city's water.

Now this has been owned and built and operated and maintained with no Federal Government money at all. This is not a case of any subsidy of any kind in any way. This is totally city and local contributions.

But they have to have a permit to cross this public land. The Forest Service came in and said we want you to forfeit one-third of your water. Now that is a third of the drinking water, it is not a third of the surplus water. It is a third of the drinking water. This is for a reservoir that was built in 1922.

Some of the reservoirs where they demanded this were built and maintained prior to the existence of the U.S. Forest Service.

Every piece of legislation that we consider here always recognizes existing property rights. You would be hard pressed to find any that do not come out and at least grandfather in the already existing rights. This measure does not exclude existing rights. This is a whole new set of standards that preempt existing rights, that take away existing rights.

We are not asking for Federal land. There is no way to get the water downhill without crossing Federal land. They simply want a forfeiture of the public water.

Mr. REID. Will the Senator yield?

I just have a question. I missed where you were referring to, what section of the bill.

Mr. BROWN. I have listed two other sections, but this relates specifically to page 18 of the additional statutes legislated on the appropriations bill and the new standards that are created under the bill.

They kick into effect when you ask for a renewal of an existing permit, not a new project.

If you are talking only about new projects, this would be an entirely different debate with different concerns. This is already existing drinking water in an existing project. These new standards apply when you renew the permit.

Here is what the Forest Service has been saying: We want you to forfeit a third of your water if you simply had your permit renewed; just to cross the public land.

But the position of the Forest Service has changed. The position of the Forest Service now is that they want

you to forfeit everything. They want the city to go without the drinking water.

Mr. President, that is not right. What am I to tell my constituents? That we are not going to have drinking water for them?

Please do not think this is an isolated incident.

The PRESIDING OFFICER. The Senator's 8 minutes have expired.

Mr. WALLOP. I yield the Senator one more minute.

Mr. BROWN. Mr. President, in Boulder, one of most environmentally sensitive communities in the Nation, they are facing the cutoff of all drinking water; Fort Collins, Loveland, Greeley, the Overland Ditch in Hotchkiss.

These provisions on page 18 and 19 of the new standards would eliminate our ability to use projects already developed, already built. It will extinguish existing rights.

Mr. President, this eliminates drinking water from citizens who have built the reservoirs, nourished them, made sure they are safe and followed every regulation.

This is wrong. This is unfair. It is wrong and it is bad public policy. It is disastrous for the environment and it affects every State. Whether it is the Hoover Dam, or the Grand Coulee Dam, or it is water storage projects throughout this Nation, or it is simply a pipeline that crosses and delivers drinking water to New York City, they are all impacted by these provisions. These new guidelines give them the ability to extinguish existing permits. It will be a disaster for this country if this measure is enacted intact.

The PRESIDING OFFICER. The Senator's additional minute has expired.

Who yields time?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if my friend from Colorado had listened to the debate earlier today, which I am sure he did not have time to, he would have found the provision he is talking about will go through a hearing process. This is the part we are talking about, that Secretary Babbitt cannot proceed unless he goes through the hearing process. "Will be established only after the rulemaking process is completed." That is what it says. They will go through a complete hearing process.

So my friend from Colorado, as well intentioned as he might be, simply was going from a set of facts that were wrong.

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP. I reserve the remainder of our time.

The Senator from Nevada may wish to use some of his time.

Mr. REID. I think that is fair.

How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from Nevada has 31 minutes and 40 seconds remaining. The Senator from Wyoming has 22 minutes remaining.

Mr. REID. I yield 12 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 12 minutes.

Mr. DECONCINI. Mr. President, I wish to thank the Senator from Nevada and compliment him on taking a courageous position. It is difficult when you find yourself split with western Senators. One thing that western Senators do, and have done over the years, the western coalition and other efforts, is stick together.

I am sorry to see us not in that situation tonight, because I always prefer to be with my colleagues, particularly the Senator from New Mexico, who is a dear friend and one who I have great respect for. I have worked with him many, many years here on so many, many vital issues.

The Senator from Nevada did not just wake up one morning and decide: Well, I am going to take this on and fix it.

He is like this Senator from Arizona, who has been around here long enough—and the Senator from Nevada was in the House also—and knows just how troublesome this issue had been.

How many times have I stood up on the floor, how many times have I fought to keep the ranching fees down? That is right. That is what this Senator did for a living, and I am doing the same thing today, to keep those fees down and to realize that this is a compromise that is going to be good for us in Western States.

Now the Senator from Colorado points out, as I understood his argument, that this legislation applies to the Forest Service. It does not. It does not and it is clearly stated there. It applies to the Bureau of Land Management only.

So the lands that are involved in his State or my State that are forest lands are not affected by this, except in one area, one area, and that is the fee which is applicable to both the Forest Service and the Bureau of Land Management.

It is very important to note here that this particular legislation affects and amends the Federal Land Management Policy Act as it relates to the Bureau of Land Management. It is vital to remember that because people can distort the facts unintentionally, I know, and leave an impression here that this is going to affect your water rights and other policies on all types of Federal land.

Under the Forest Service today, you do not own those water rights. They are owned by the Federal Government. In the Bureau of Land Management, 8 years ago, thanks to the Secretary of Interior Watt, all those water rights were deeded to the ranchers. I thought it was nice. It was great for us. My ranchers got all these water rights and all these benefits and improvements on the land and they did not have to pay for them. It was great. As a matter of fact, they even got the improvements that were existing before they got the lease on the land. Who would not take a nice gift like that? I thought it was a wonderful thing.

I did not hear anybody from the West, certainly, up here objecting to that. We did not ask for hearings: "Mr. Watt, how about some hearings on this?" We said, "Gosh, that's great. That's great."

Now we have an opportunity to settle this so we do not have a Mr. Watt or Mr. Babbitt, Mr. Lujan or anybody else, the next year or the year after coming in here and arbitrarily saying we are going to change fees, we are going to propose new policies, we are going to reduce or change the ownership of the improvements on the public land. That uncertainty is not good for ranching or any business. It is important that we realize that.

Mr. President, the State of Arizona is 83 percent public lands. How many in this body are from States with any greater amount? Maybe the State of Nevada. Maybe the State of Alaska. Not very many. When you think of our grand State of Arizona with only 17 percent privately owned land, you realize it is important that we have policies that we can live with and we can work with, and that is what this compromise represents.

In my State of Arizona, two-thirds of the grazing on public lands occurs on National Forest land and not Bureau of Land Management. The reason for that is because the BLM manages the more arid parts of our State that are not feasible for grazing.

What are the costs to the ranchers to graze on public lands? Believe me, I am interested in that, because I am interested in the ranchers being able to continue to prosper. Let me just point out, this chart represents the average cost as estimated by the BLM and the Forest Service to ranch on public lands—I know it will vary from State to State.

The chart lists what the cash cost for public land ranching. This is what it is. You can see: Hay, 39 percent; labor, 17 percent; pasture leases, private and State, 16 percent. Go on down to the bottom: BLM/Forest Service leases, 3 percent under the present rate.

Let us put ourselves 3 years forward, as the Senator's compromise would put us, 3 years from today, 1997, and the fee is $3.45. That is less than doubling the cost of the Federal fees for leases to run that ranch in 3 years. So it will be less than 6 percent of the total cost. A 2-cent raise in the price of beef more than covers that increase.

I know the price of beef fluctuates, but there is a formula built in the compromises that will allow this fee to

fluctuate. As the Senator from Arkansas pointed out, it went down last year. The formula in this compromise is still going to continue to allow for market increases and decreases of 15 percent.—It can go up or down, but it is going to be determined by the formula.

That is fair. Everybody in this body loves to get a good deal. That is human nature, that is what life is about. This is till a good deal. It is not the deal I would like. Sure, I would like a moratorium, and I would like everybody to leave my State alone. I do not need you or anybody else to tell us how to conduct our business in Arizona. But it just so happens these are public lands. I wish they were not. I wish our State was 17 percent Federal lands and not 17 percent private lands, but that is not the way it is in the place I was born in.

I do not think there is anybody around here who would realistically suggest, "Well, why don't you change that?" We saw that with the Sagebrush Rebellion some years ago. Under the Carter administration, we saw how far that went: Zero, no place. We had 15, 20 Senators who thought, "Gee, let's deed that land over." I supported that. We can manage our land. We do darn well managing the State land in the State of Arizona, but that is not realistic.

Mr. President, not only that, but the Senator from West Virginia, the chairman of this committee, I must say, is extremely sensitive for being from so far east of the State of Arizona. I do not know how many times he has been there, but he has been there for me at least several times. He has been there for Arizona time and time again.

I just want to point out, to filibuster this bill and prevent it from becoming the law of the land, Arizona suffers. The Grand Canyon? That is more significant than just Arizona. The Senator from West Virginia was kind enough and good enough to fight for $6.4 million for housing for Grand Canyon employees. If you have been to the Grand Canyon, you probably have not seen the conditions of how the employees work and live with no suitable permanent housing there. It just demonstrates that there is an interest in the West; that everybody is not out to get us. In fact, they are interested in finding a solution.

The Senator from West Virginia in this bill has also put in $6 million for expansion of the Saguaro National Monument, taxpayers dollars that are going to be used to preserve one of the most beautiful Saguaro stands in the world; $880,000 for the Lake Havasu fishery on the border of Arizona and California. This would not have happened if it were not for the beneficial interest of House projects to the whole country and the recognition of that by the leadership of this committee, this Subcommittee on Appropriations. These are investments.

So to come out here and threaten to just filibuster and send this whole bill down, forget it all because we do not like some of it—we did not get exactly what we wanted, we want a moratorium, we only want the fee to go up to $2.30 cents or $2.35 cents—is unrealistic and wrong.

This Senator will stand next to anybody in this body from the West as to preserving the rights of the West, the rights of the individual landowner, and the right to use public lands for their economic benefit.

We have a lot of native Americans in Arizona, and some of them live in the worst poverty in the whole United States. It is tragic what has happened to native Americans. This bill provides millions of dollars for the upkeep of their schools, their hospitals, their highways, their clinics, and for new housing and new sewer systems. So if this bill does not pass and it all goes back to conference, and it is all opened up again and we have to go through the whole process, these valuable projects are jeopardized.

We know what the House has done on this issue. Year after year, they have consistently gone after the grazing fees. We have had some here in this body on the same track also, but we have been able to roll them back. We have been able to stop them. For 9 years I have spoken out on this floor in opposition. We have been able to just eke it out a few years by 1 or 2 votes. This year I think it was a larger margin than we have had in a long time, 19 votes. Last year, I believe it was 8 votes.

The House has voted overwhelming 313 to 109 on a motion to instruct their conferees to oppose the Senate's moratorium and stick with their position for reform. Just yesterday, they voted 317 to 106 to approve the conference report which is before us today containing this compromise. If that does not tell you where we are going, at least in the other body, I'm not sure what will.

As has been pointed out by the Senator from Nevada and the Senator from Arkansas, what are the consequences if we do not adopt this? Yeah, you want to go to court? Well, lots of luck. Talk to my ranchers. They are not interested in spending thousands and hundreds of thousands of dollars in court. They have been there when they have had a Secretary of Interior who decided to usurp their rights and it is very expensive.

So what is the answer? The answer is find a compromise, and that is what we have here. It is a compromise that is reasonable; it is one that our ranchers can live with, and it ought to be adopted by this body.

I regret to see a filibuster over an issue that is so significant to my State, I would not be standing here tonight advocating for a raise in those fees and for some changes; but we need to have certainty, so that we do not have the constant change from one administration to another, tomorrow night or next year, and that the Secretary, be it Bruce Babbitt or anybody else, cannot just in January, the first of next year, change the regulations. Because that is what has happened and will continue to happen. The ranchers will suffer and this country will suffer.

Again, I want to thank the Senator from Nevada. He has taken a position that is difficult. Those of us who have done that—all of us at one time or another have taken a position that is not the most popular at the moment—understand that. It is easy to listen to a couple of phone calls, know a couple of ranchers, or be a rancher or have an interest in a ranch, and say, "Oh, my gosh. You're going to raise my fees and you are going to affect my ability to have the economic gain that I have had before." But, this compromise is beneficial and will be of little economic detriment to ranchers in the West.

I thank my colleague from Nevada for his leadership.

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

Mr. WALLOP. Mr. President, let me say this is, in the opinion of the Senator from Wyoming, not a compromise——

The PRESIDING OFFICER. The Senator is yielding himself time?

Mr. WALLOP. The Senator is yielding himself such time as he consumes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. WALLOP. Mr. President, this is the League of Conservation Voters and Secretary Babitt's absolute daydream.

I yield 30 seconds to the Senator from Colorado to explain that this does in fact affect the water in the forest.

The PRESIDING OFFICER. The Senator from Colorado has 30 seconds.

Mr. BROWN. Mr. President, I know our good friend from Arizona is sincere in his comments. Let me simply assure him that section 401(i) does apply broadly. It clearly affects any Federal agency. It is not simply the BLM, not simply Interior. The guidelines are issued by the Secretary of Interior but they apply to any Federal agency and the law clearly states that.

Let me simply say I believe it does apply to the central Arizona project.

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

Mr. WALLOP. I yield an extra 30 seconds to the Senator.

Mr. BROWN. I hope he would make sure—it clearly does shut down the central Arizona project. To that point I hope he would check what "restoring riparian values" means and how it affects that project. I hope Californians would check the Hetch Hetchy project. I believe that would shut that project down. Section 406(i) does apply broadly to all Federal agencies clearly by the statute.

Mr. WALLOP. I yield 3 minutes to the Senator from Utah [Mr. HATCH].

The PRESIDING OFFICER. The Senator from Utah, 3 minutes.

Mr. HATCH. Mr. President, it is clear that the Clinton administration is waging a war on the West. By including the Reid-Babbitt language in the Interior appropriations conference report, the administration is using scorched-earth tactics against the economy and the way of life of the entire region. This proposal—the 19 pages of authorizing language that makes it impossible for many families in Utah to earn a living—is not a compromise, as it is being touted here today. It is a capitulation, a surrender to the Federal Government of rights that are fundamental to the livelihood of westerners.

This westerner is willing to work to develop equitable lands policy. I have said so publicly and to Secretary Babbitt. But, I cannot stand aside as Washington bureaucrats dictate policy, without hearings, without a sense of fairness, and without basic common sense.

My opposition has nothing to do with gridlock, which I would note has fast become the new buzzword around this body. All one has to say to push legislation through Congress—no matter how onerous or shortsighted—is to mention this word, and we are supposed to fall over and play dead and let whatever travesty that is being considered pass. I, for one, am unprepared to do that when the interests of Utahns are at risk.

The gridlock mantra is worn out. It is a red herring. It is, for the defenders of this land grab, a substitute for real data. They, of course, have no choice. They are trying to defend a Department of Interior policy on which there have been no hearings, no studies, no evidence submitted, and no open public discussion. There has been little analysis of the specific reforms contained in these 19 pages, and yet we are being asked to swallow them whole.

But, my opposition to this language is not to be obstructive, but to maintain and preserve justice for the West. No other region faces the threat of being regulated into an economic depression. No other Senator would sit still as legislation threatened to wreak havoc on his State. That is what is happening here; that is why we are up in arms.

I am joined in this effort by a bipartisan group of Senate colleagues. Both Democrats and Republicans in Utah and throughout the West agree that we have different needs and different challenges than our eastern neighbors.

I have received a letter from the Governor of the State of Utah which I ask unanimous consent to be printed in the RECORD at this point.

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

STATE OF UTAH,
Salt Lake City, UT, October 21, 1993.

Senator ORRIN HATCH,
U.S. Senate,
Washington, DC

DEAR SENATOR HATCH: I cannot support the Reid amendments to the Interior Appropriations Bill, H.R. 2520. This proposed law, composed of a fee adjustment and changes to grazing management practices, may have serious repercussions for ranchers in Utah, and the rural communities in which they live. There has not been any serious analysis or debate of the substance of the proposal. The citizens of Utah most seriously affected have not been given the opportunity to be heard. I cannot support the process nor substance of a bill which exhibits such callous disregard for the needs of the hard working citizens of Utah.

I am aware of the needs of the ranching industry because my family runs a ranching operation in southern Utah. I am also aware of the great spirit of cooperation and community found among the residents of this area. The quality of life of the rural communities in Utah is some of the finest anywhere. However, this lifestyle does not come without a struggle to earn a living, and a struggle to find work for the children of the residents.

Utah also has some of the finest scenery in the world within its borders, scenery that must be protected. The rural lifestyle is complementary to and protective of the outstanding scenery, not a detriment. Many rural Utah families use a small herd of livestock as one of the incomes in a two income family. The second income may come from a job in the tourism industry. Loss of the agricultural income may cause the family to move elsewhere. Loss of community members threatens the community's ability to survive through other industries. I cannot support a proposal which so seriously threatens the stability of rural communities.

I have received letters indicating that the proposed fee would take about 10–15% of a rancher's net annual income. This money will therefore not be available for use in the local economy. This provision is a simple transfer of wealth out of the state, without any value received in return. If the BLM's cost of managing the program are so high, the BLM should seek to reduce costs, perhaps through management agreements with the state, rather than balance the federal deficit on the backs of Utah ranchers.

The grazing fee must be tied to the costs of doing business. The proposed amendment ties the fee to the Forage Value Index, a measure of the cost of private pasturage. The correlation between the FVI and the total costs of doing business is too remote to be considered a measure of cost, therefore I cannot support the proposed fee structure. Further, there needs to be a longer phase-in period.

I cannot support the provisions related to water because the amendment does not make it clear that all water rights must be allocated through state water laws and processes. I am concerned that the proposals concerning ownership of water and range improvements will become disincentives to development. This will also affect the wildlife of the state, which benefit from the improvements.

I am concerned that the proposal to eliminate suspended non-use allocations will affect a rancher's ability to borrow money. I have received a letter indicating that one rancher will lose $48,360 in asset value because of the proposed provision. The forage in quesiton could be placed into use with the investment in some range improvements. Therefore, the rancher's ability to borrow will be severely affected, with no real gain to the agency, or on the land.

I hope that you and the other Senators opposed to the Reid amendments will be able to bring some sense into this process.

Sincerely,

MICHAEL O. LEAVITT,
Governor.

Mr. HATCH. It is in opposition to this. I received another copy of a letter to the Honorable Bruce Babbitt from the Utah Democratic Caucus, Land and Water Reform Act resolution, condemning this approach. It is signed by four leading Democrats in Utah. I ask unanimous consent that it be printed in the RECORD at this point.

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

UTAH HOUSE OF REPRESENTATIVES,
Salt Lake City, October 4, 1993.

Hon. BRUCE BABBITT,
Secretary of the Interior, Department of the Interior, Washington, DC.

DEAR MR. SECRETARY: The following resolution has the full support of the Utah State House of Representatives Democratic Caucus, which includes both urban and rural legislators. We would appreciate your consideration of this resolution.

UTAH DEMOCRATIC CAUCUS LAND AND WATER REFORM ACT RESOLUTION

The elected Democrats of the Utah State House of Representatives wish to go on record in support of President Bill Clinton and Vice President Al Gore in their efforts to reform and "re-invent" the United States Government.

In addition, we feel it is imperative that we go on record, as members of the Legislature in a western state, in opposition to the 1994 Rangeland and Water Act reform package, as it currently is written.

It is important that Washington officials recognize that the western states have different needs and different challenges from their eastern neighbors. We feel that before the die is cast on reform of these issues, dialogue between western state leaders and Washington officials must take place to properly scrutinize and validate the kind of reform that is to take place.

Of course, times have changed, populations have shifted and usage of the land has been questioned and challenged. We recognize the need to re-evaluate western land use and fees. We entreat you, however, not to neglect or overlook the urgency of carefully making necessary changes.

As you are aware, part of the economic future of many Western areas depends on land use and water availability. It is important that the Federal Government not place undue burdens on western states. It is our opinion that it is critical that the western states who are clearly affected by the reforms must have input in the decision making and consensus building process.

We favor innovative solutions and feel that these can be best reached by open and active dialogue.

FRANK R. PIGNANELLI,
Minority Leader.
GRANT D. PROTZMAN,
Assistant Minority Whip.
KELLY C. ATKINSON,
Minority Whip.

DAVID M. JONES,
Legislative Management.

Mr. HATCH. I also ask an editorial from the Deseret News against this compromise be printed in the RECORD at this point.

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

GRAZING FEE COMPROMISE STILL WOULD HURT THE WEST

A compromise between House and Senate negotiators has been worked out in Congress for higher grazing fees on public lands. But if it passes as expected in a conference committee vote this week, the bill still represents a major defeat for Utah ranchers.

Under the compromise, grazing fees will be raised over a three-year period from the current $1.86 for the current animal unit per month to $3.45 per AUM. An AUM is grazing for a cow and calf or five sheep for one month.

While that is less than the $4.28 originally proposed by Interior Secretary Bruce Babbitt, it still represents a substantial boost for many small Utah ranchers, whose profit margins are always thin. A raise to $3.45 AUM inevitably will drive some of them out of business.

But worse than the grazing fee hikes would be a long list of sweeping changes in land management practices. Most would result in more power in the hands of federal agencies and less for the ranchers.

Among the most troubling are provisions that would give the federal government title to all future improvements, such as fences and wells, made by ranchers at their own expense on public lands. Future water rights associated with range improvement also would fall under federal ownership.

Another concern is the proposed abolishing of Grazing Advisory Boards made up of people holding leases on public lands. Such boards would be replaced by Resource Advisory Councils that would have a diverse membership, including wildlife managers and environmentalists. At least 10 such reforms are in the bill.

One of the problems with such sweeping management "reforms" is that they are being made in an appropriations bill and without the usual hearings and authorizing process. As Sen. Orrin Hatch, R-Utah, says, it is the "wrong vehicle and the wrong process."

Grazing fees have been an emotional issue for years, but attempts to substantially hike the fees have always been beaten back, particularly in the Senate, where the West has more influence.

Last August, Babbitt proposed doing by regulation what had not been possible by legislation. The Senate voted to delay matters for a year, but the House passed a measure essentially the same as Babbitt's proposals. The compromise seeks to put the stamp of Congress on the issue instead of leaving it up to Babbitt's regulators.

The result, while minimally better than what had been sought by regulatory fiat, still threatens to be a body blow to Utah ranchers. And it is another administration and Eastern assault on Western states that are heavily dependent on public land use—simply because such lands make up most of what is available.

Mr. HATCH. Mr. President, this is a travesty. This is an onslaught against our West and against our people who have developed the West. The original pioneers who have really sacrificed all their lives to maintain the lands, maintain the water, do all the things that basically we find necessary.

I could easily provide hundreds of letters from my constituents, that are literally rolling off my fax machine, testifying to what the Reid-Babbitt language will do to them.

These 19 pages were drafted behind closed doors by only a few, without the involvement of those of us who represent those who would be most affected by it.

I do not understand why certain individuals in Congress are rushing into these reforms with a full head of steam without following the established congressional hearing procedure. When I, or the Senator from New Mexico, or the Senator from Wyoming, or the Senator from Idaho say that these reforms will devastate the economic vitality of our rural communities, we are not kidding.

Do my colleagues think we are making these statements for some other reason than simply trying to educate this body on what the impacts of these reforms might be? We are not making these statements for any other reason than to illustrate the disastrous impact these reforms will have on our constituents.

I can remember similar uproar from Senators representing other States and regions when it was their constituents affected by legislation or regulation. The debates on the spotted owl, the maritime salary differentials, the *Seawolf* project, acid rain, and the interstate transportation of trash spring immediately to mind. I'm sure a little research would produce a long, long list.

I hope all Senators will appreciate the severity of the Interior Department's proposals on the West and will support our bipartisan effort to remove these provisions from this bill. There is no doubt in my mind that a better, more fair solution can be found given requisite consideration and cooperation.

Let me briefly make several points for my colleagues to let them know how important this issue is to my constituents and why I believe the language in the conference report must be deleted.

We should not support statutory language that sends the following message to our ranchers: "From here on out, you are guilty until proven innocent—of everything related to land management."

I recognize the expertise of Dr. Darwin Nielsen of Utah State University, an agricultural economist, who has provided this information to me.

First, most Utah ranches are family-owned cattle and sheep operations that depend on both public and private land for a seasonally balanced feed program. Family ranchers are not wealthy units trying to take advantage of the Federal Government. In fact, the average gross income per livestock operator was $33,600 in 1988, or a net income average of $7,538 per operator. In addition, over 50 percent of these ranchers have off farm jobs, or second jobs, to support their families. Of course, there is a benefit to local, rural communities, including its work force and its tax base, from this source of additional labor, although it certainly would be preferable if ranching could produce a substantial enough income so second jobs would not be necessary.

Second, public lands are essential for grazing in Utah. Thirty-one percent of Utah's beef cow herds graze on Forest Service lands, while 48 percent of these herds use BLM land. Fifty-eight percent of Utah's sheep herds graze on Forest Service and 37 percent graze on land managed by the BLM. Federal lands provide 23 percent of the yearly feed requirement for Utah's beef cow herds and 46 percent of the feed for range sheep production.

These public lands are extremely important to the survivability of a ranching operation. For example, a given ranch may get 20 to 30 percent of its yearly feed from public lands, but it comes during that crucial 3- or 4-month period of the season when the rancher uses his private land to produce winter feed. In sum, a rancher is 100 percent dependent on public land to have a year-round livestock producing unit.

Third, in a State where total private land is approximately 20 percent, the use of public land is essential to continuing livestock production. In Utah, 79 percent of the land area is grazing land, and 15 of Utah's 29 counties have 25 percent or less of their land area in private ownership. Most of these counties are located in areas of the State where annual precipitation amounts dictate expensive types of agricultural enterprises. There are few opportunities for ranchers to shift livestock production to private lands to accommodate changes in public land grazing policies.

Fourth, I would mention several items related to the economic importance of the range livestock industry to Utah.

The Utah State Department of Agriculture estimates that livestock production results in over $1 billion of economic activity every year in Utah.

Over $500 million in wages can be directly and indirectly attributed to beef cattle production, primarily range livestock operations.

Livestock accounted for 75.6 percent of farm cash receipts in 1991, with cattle being the single largest contributing commodity producing 38.7 percent of cash receipts.

There are over 40,000 Utah jobs that are tied to range cattle production, and at least $175 million of assets, related

to breeding cattle, that correspond to range livestock operations.

Utah has a total of over $2 billion worth of private land that is used in conjunction with public land as the base of Utah's range livestock industry.

In many of Utah's rural counties, range livestock is virtually the sole agricultural enterprise, and agriculture may constitute approximately 35 to 40 percent of the local economic activity in Utah's rural counties.

For every dollar of gross output involved, in the livestock industry, 6 cents of personal income is earned, 9 cents of total income is earned, and 11 cents of value is added to a Utah product.

There are 9 jobs for every million dollars worth of farm gate sales in Utah, and the total number of workers for every million dollars worth of sales is approximately 20.

Based on these facts, my colleagues can understand why my constituents are adamantly opposed to the adoption of the so-called Reid/Babbitt compromise and why it should be deleted from the conference report.

As has been stated during the debate, the Reid/Babbitt compromise contains approximately 16 different component parts that are being shoved down the throat of the West, and I use that phrase intentionally. I would offer the following comments related to these individual items as has been related to me by several of Utah ranchers.

Water rights: I am very concerned about the preemption of State law in the area of water rights and water developed on Federal lands. The language in this bill will reverse a century of deference by the Federal Government to State water laws. The Utah State Water Engineer informs me that he is concerned that water rights to be obtained in the name of the United States will not be properly appropriated through the established State process, according to language contained in the Reid/Babbitt compromise. We need to discuss this issue carefully without literally tossing the proper and legal role for State determination on water rights out the window.

Subleasing: The Reid/Babbitt language on this section does not provide justification for adding surcharges in the instance of subleasing. It is also unclear as to whether the surcharge will add to the quality of stewardship on the land by penalizing the permittee for grazing someone else's livestock. Also, the language is a disincentive to the practice of subleasing that will discourage young operators from starting up in the business, which usually necessitates a leasing arrangement in the first instance.

Moreover, by allowing subleasing, there is an ability to more fully utilize a good year's forage by adding to the base herd. Flexibility is greatly enhanced by the subleasing provision, both for the agency and the permittee. It is a win-win situation, and there should not be a penalty for subleasing by adding a surcharge.

Resource Advisory Councils: I am concerned about the elimination of Grazing Advisory Boards, and I will have further comments to make on this item at a later time.

Range improvement funds: The Reid/Babbitt language would authorize the diversion of range improvement funds from their intended use-range improvement. There is considerable latitude given to the Secretary to use these funds in the name of "ecosystem rehabilitation, protection, and improvement." I am worried that these funds could be used for projects that do not relate to rangeland improvement and, therefore, penalize the very group from which these funds are obtained. If the funds are to be collected from one group, that is, livestock permittees, then livestock permittees should see the benefits of these funds, and range improvements should have first priority of the funds. We cannot be misled by the use of the phrase, on the ground as contained in the compromise to address the problem I just mentioned. Funds may be used on the ground, but in a manner that is not consistent with the reasons for which they are collected. In other words, we want to make sure that these funds stay on the same ground from which they came.

Range improvement ownership: The Reid/Babbitt language provides that for all future range improvements, the sole owner of permanent range improvements will be the Federal Government. I cannot think of anything that is more of a disincentive to private investment than the knowledge that such investment will become the property of the Federal Government. That is exactly what the Reid language is stating. As one constituent told me, the word "improvement" describes some activity or structure that increases the value of a property. It is not in the best interests of the permittee or the public to reduce the incentive for permittees to construct or provide for such improvements.

These provisions have enormous legal implications as well as ramifications for ranching. It is essential that these provisions and the question of governmental takings be thoroughly examined. This is too important an issue to be done hastily, without the benefit of hearings, as a rider on an appropriations bill.

I am also concerned about the language in section (m) of the amendment that gives title to all permanent improvements on public lands, subject to valid existing rights, to the United States. In rural Utah, access to Federal, private, and State lands is vital to the economic well-being of our communities. Access requires the construction of roads or thoroughfares which, by definition, are permanent. In Utah, access to these improvements over public lands is essential. Does this mean that the construction of a road, whether it is related to grazing activities or not on public lands and whether it has been done recently or prior to 1976, falls under the broad impact of this language? I express my deep reservations of this language and its possible impact eliminating traditional R.S. 2477 rights-of-way that local governments need to maintain and stabilize the infrastructure of rural communities.

Mandatory qualifications: The Reid/Babbitt language would automatically disqualify an applicant that has had any Federal or State grazing permit or lease canceled for violation within a 36-month prior period. This language does not allow for extenuating circumstances that may have occurred. For example, a State grazing lease may be canceled for a violation due to reasons beyond the control of the permittee. Automatic disqualification of a Federal application for such a potentially trivial violation could constitute double jeopardy.

Also, refusal of an application for a Federal permit should be based on violations of Federal rules. I am not aware that the Federal Government or its agents have any authority, either expressed or implied, regarding State grazing permits, including the determination of the terms or conditions of these permits.

Suspended nonuse: The Reid/Babbitt language would direct the Secretary of the Interior to move to remove reference to suspended nonuse. Suspended nonuse is available to the BLM, the permittee, and the agricultural lending industry because it shows the history of grazing reductions on an allotment from the time the allotment was adjudicated. It has been an important protection for the future reuse of AUM's by a permittee whose AUM's are under suspended nonuse. That permittee has the priority for new forage allocation when it becomes available, primarily through range resource improvements, and thus the allotment has proven it can support more AUM's.

Prohibited acts: Under the Reid/Babbitt language, a person may be punished under grazing regulations for violations which have no connection to livestock grazing on BLM lands. This provision seems to be overly broad and unnecessary. In addition, it should include language specifying an appeals process by a third party that allows the alleged violator an uninvolved and dispassionate judge. For the BLM to set itself up as policeman, judge, and jury, is unacceptable and beyond the normal role of this Agency.

Conservation nonuse: The expert land managers in my State indicate this provision, allowing base property to be conserved from grazing activities for

up to 10 years, is not a good management policy of the resource. Nonuse of forage often leads to fire hazards and the spread of undesirable plant communities. If an allotment is open for grazing purposes, then it should be used for actual grazing purposes.

I would also agree with those who believe an economic analysis of conservation nonuse should be made to determine the impact on local areas. A payment-in-lieu-of-taxes [PILT] payment may be required to recover lost tax base caused by putting areas into conservation nonuse. There would be an adverse socioeconomic impacts on jobs both in livestock production and related industries in rural communities.

Mr. President, these are real people whose futures we are discussing, or even toying with, on this debate. This is a time for leadership, not behind-the-doors partisanship, and I urge all of my colleagues to support our efforts to derail the Reid/Babbitt locomotive that is jeopardizing so many people in the West. If they are successful, there will not be a West tomorrow like we know it today.

Mr. WALLOP. Mr. President, I yield the Senator from Montana 3 minutes.

The PRESIDING OFFICER. The Senator from Montana is recognized for 3 minutes.

Mr. BURNS. I thank my friend from Wyoming. It never ceases to amaze me what arguments some people will use to usurp the rights of people. That is what we are doing here. The Babbitt proposal would place in law, if this passes and does become law—takes away all rights of people.

I would have to agree with the Senator from Arizona, I have seen the Senator from West Virginia stand on this floor and fight for his people, and we are fighting for ours tonight. We are fighting for right.

There is a little bit of difference here because there are real lives involved here. It is not just going out here and saying there are a bunch of faceless people. They are the people who go to the draft. They are the people who fought our wars. And you want to take that away from them. Just like they do not have rights.

I happen to think that they do, and they are as much a part of this country as anywhere else. Because of where they live, somebody who wants to take it all away from them. Because these rules and regulations and laws, should they become law, will take cattle off of our ranges. Then we have a big problem. We lost the wool program. We are going to see more cattle on our ranges. And I will tell you the fat cattle market next spring will be closer to $60 than it is to $75. They have a lot of money borrowed. You take them off of their land and say, you go sell them for a loss? And good luck to you.

We will appropriate a little money for job re-creation, or displacement. These people pay taxes, and go to their schools, and support their churches and their communities. And because they have built a way of life and the values of life that other people envy, you want to take it away from them. And this Secretary of Interior wants to do it. It is his raid on the West. It is his raid on the West. And you are going to allow him to do it?

So, I will stand here as long as it takes to fight for my people. Because I am not real sure that the ox and the cart are not in the ditch.

What is wrong with this body? Have we lost our senses? These are living people.

The grazing fee is not the issue we are debating here. Without a doubt nearly doubling grazing fees on public rangelands is going to have a negative economic impact on Western States like Montana. The 5,000 ranchers who care for public rangeland in Montana and the businesses on Main Street they support are going to be injured by the increased fees in this legislation.

What this measure does is add insult to injury. The result at issue here is the 19 pages of rules and regulations changing the relationship between ranchers and the Federal Government on 260 million acres of rangeland in the Western United States.

Any time a decision on how public lands or resources are going to be managed is made here inside this beltway, you have got big problems because they are being made by people who have never made a ranch produce, have never run a cow, have never showed a profit, and have very little to do with the feeding and producing the fiber that feeds and clothes this country.

Agriculture is put under a strain, and if you don't think there is not a war on the West, this is a slap in the face. First you up their fees, and then you put a lot of laws on them, and we do not even know what the impact of those laws and regulations will be because there hasn't been one hearing.

Congress has not heard from one person who makes a living on those ranchers. We have only heard from people who think it might be a good idea—being recommended by people who have never produced any thing for this country.

I will tell you it is a slap in the face to the people who actually produce and add to the value of this country. I will tell you that we will fight it until there is no more blood left. Because that is how important it is.

They say only effects 3 percent of the cattle. In some counties in Montana that 3 percent turns into 100 percent. So let us think about people. How does it affect people and communities. And the Clinton administration and Interior Secretary Babbitt have not even given a thought to that.

I urge my fellow Senators to vote against cloture to give Congress a chance consider this issue through a fair and proper process. I yield the floor.

ENERGY IMPLICATIONS OF CONFERENCE REPORT

Mr. WALLOP. Mr. President, I rise to discuss the energy production implications of the pending conference report.

Although I am reasonably confident that the authors of the grazing provisions did not intend to adversely affect domestic energy production, that is precisely what will occur if the conference report is adopted.

I find it sadly ironic that this will occur at the very same time the administration is in the process of formulating its domestic energy strategy, the intent of which is presumably to increase domestic energy production and reduce our dependence on insecure supplies of foreign energy.

Before I discuss how domestic energy production will be adversely affected by the conference report, let me first review our energy situation.

Each and every day the United States spends more than $150 million on imported foreign energy.

Since 1973, the year of the Arab oil embargo, this Nation's dependence on foreign oil has grown from 36 percent to 50 percent.

Over the past year U.S. reserves of crude oil and natural gas have both declined significantly.

Since 1973, lower 48 crude oil production has declined by 41 percent, and Alaskan oil production has begun to decline.

Over the past decade, the United States has grown increasingly dependent on Canada for new natural gas supplies. Imports of Canadian gas have nearly tippled, and three-fourths of the increase in United States natural gas consumption has been supplied by imports from Canada—not new United States production. And there now is even talk in Canada by the Liberal Party about restricting gas exports to the United States.

No new nuclear powerplant has been announced since 1977.

The U.S. Department of the Interior and the Federal Energy Regulatory Commission are now actively talking about tearing down perfectly good operating hydroelectric dams.

And don't forget that just a short time ago the United States and its allies fought a war in the Persian Gulf to protect the world's supplies of oil.

Let me turn now to how the pending conference report will adversely affect domestic energy production.

First, we have identified more than 100 existing, operating hydroelectric dams located on the quote "public lands" that would be affected—possibly even required to reduce operations or shut down entirely—by the conference report. This would occur as the result of several provisions in the conference report.

Conference report new section 406(i)(2) states that:

The United States shall assert its claims and exercise its rights to water developed on public lands to benefit the public lands and resources thereon.

This means that water currently used for hydroelectric power generation is to be subordinated for use for "the public lands and resources thereon"—even if the water has been used for the past 50 years for a hydroelectric project.

New section 406(l) authorizes the Secretary of the Interior to cancel or suspend permits and leases if there is any violation of Federal or State law concerning conservation, protection of natural or cultural resources, and the protection of environmental quality.

This gives the Secretary unbridled authority and ability to rescind the license and shut down an existing hydroelectric powerplant for even the slightest violation of Federal or State law.

New section 496(m) states that:

Subject to valid rights existing on the date of enactment of this section, all rights to permanent improvements contained on or in public lands are vested in the United States.

This will obviously end new hydroelectric development, including the upgrading of existing hydroelectric powerplants, because what developer in his right mind will put improvements on public lands—a dam, for example—and simply turn ownership over to the Federal Government.

And what about new electric power lines and new natural gas pipelines? They too are so-called improvements on public lands. Just how many new gas pipelines do you think will be built if they simply end up as the property of the Federal Government?

Mr. President, we have identified 100 existing, longstanding, hydroelectric dams located directly on public lands which would be immediately subject to these draconian provisions. These 100 powerplants have an installed capacity of nearly 3,000 megawatts.

Moreover, there are hundreds of additional long-existing hydroelectric dams with tens of thousands of megawatts of installed electricity capacity which likewise could be adversely affected depending on how the administration interprets this new law—and I have little doubt that this administration will interpret it expansively.

Mr. President, these provisions do not only adversely affect the production of electricity from hydroelectric powerplants, they also affect the thousands of electric transmission lines which cross public lands. These provisions likewise could adversely affect oil and gas production on public lands, the hundreds of natural gas pipelines which cross public lands, as well as petroleum pipelines which also cross public lands.

Mr. President, while I am relatively confident that the intent of the conference report was not to adversely affect domestic energy production and thereby to increase our dependence on insecure supplies of foreign energy, that will be the affect of the conference report. These are just more sound public policy reasons why the conference report should be defeated.

Mr. President, I ask unanimous consent that a Washington Times article dated September 12, 1993, be printed in the RECORD.

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

[From the Washington Times, Sept. 12, 1993]

GRAZING FEES, ENVIROS, AND THE HOGS

(By Dave Juday)

Washington Redskins' owner Jack Kent Cooke wants to build—and own—a new stadium on federal land in D.C., where the celebrated Redskins' "Hogs" and company would wallow starting in 1995. Proponents of the new stadium have argued that since the District doesn't have a large percentage of available private land, the land owned by the federal government should be open to Mr. Cooke's development plans.

Indeed, virtually all concerned—including the area's Democratic and Republican lawmakers—agree that with more than one-fifth of D.C.'s available land off-limits to private developments, like the proposed Jack Kent Cooke Stadium, potential economic growth for the city suffers. Mr. Cooke, therefore, is likely to get his way. By contrast, ranchers in the West aren't as lucky. They could soon be forced off of federal lands if President Clinton has his way.

According to Bureau of Land Management statistics, 12 Western states outrank D.C. in terms of the percentage of publicly owned land, ranging from a low of 27 percent in Montana (tied with D.C.) to a whopping 82 percent in Nevada. With the exception of Alaska, ranching is an important part of the economy in each of these states. Moreover, unlike operating a downtown law firm—D.C.'s leading private sector industry—running a ranch requires a great deal of real estate.

Given the limited supply of land, ranchers must "rent" public land to run their cattle and sheep. This "rental" arrangement is conducted by permit through a schedule of payments known as grazing fees. The Clinton administration now wants to more than double grazing fees to $4.28 from the current $1.86 per-month charged for every cow-calf pair and/or every five sheep.

According to livestock industry, this dramatic increase, if enacted, could force as many as two-thirds of the public land cattle ranchers out of business. Considering that every $1 spent on a ranch means about $5 to the local economy, losing two-thirds of these ranchers would no doubt mean a proportionate loss of local merchants in rural Western economies. It would also mean a loss for public institutions such as schools, libraries, police stations, fire stations and hospitals that are supported by the tax dollars that these ranches generate.

Unlike the rural West, where the government presence squeezes out most private economic activity, at least the federal presence in D.C. generates income by drawing hordes—or herds—of high-priced lawyers and lobbyists to the District. Imagine the havoc wreaked upon the District's economy and already insolvent budget should two-thirds of D.C.'s lawyers and lobbyists be wiped out.

Unfortunately for the West, those D.C. lobbyists who represent extreme environmental interests have been successful in convincing Mr. Clinton, and his Interior Secretary Bruce Babbit, to "soak" the ranchers with higher grazing fees. The reason, they argue, is that animal agriculture harms the environment and thus, the federal government has a responsibility to discourage it on public lands.

As part of his overall tax plan, Mr. Clinton's original grazing fee proposal had to be dropped in order to get the full measure through the Senate. But now Mr. Babbit has reintroduced it as part of a comprehensive environmental agenda.

Quite to the contrary of the proposal's premise, livestock production helps the environment. Ironically, the grasslands that environmentalists seek to protect from "overgrazing" are in fact the product of grazing. Prehistoric plant-eating animals, and more modern grazing animals such as buffalo and elk, were part of the natural selection process that promoted the evolution of today's plant life on Western grasslands.

Today's cattle graze on old growth plants in the spring, opening up the landscape for more nutritious grasses that other foraging animals in the wild, such as elk, can use in the coming winter. Furthermore, the water and the salt that ranchers provide for their livestock has proved a tremendous windfall for the wildlife on public lands.

Furthermore, livestock are the original recyclers. Native grasses on public lands are inedible to humans, but are recycled through cattle and sheep into food for humans—and other products for human use such as pharmaceuticals, medicines and wool.

The issues of grazing fees on public lands is another classic example of the false choice between the economy and the environment. Not only is ranching in and of itself helpful to the environment, it generates the income for Western states that is necessary to enforce and upgrade our environmental laws. Increasing the grazing fees would only harm the ranching industry and thus reduce revenues to the government.

If the use of public lands for the new Jack Kent Cooke Stadium is approved, Mr. Cooke, unlike the ranchers, will not have to worry about an increase in rent. Moreover, throughout this process, Mr. Cooke has the option of seeking a better deal in the suburbs of Virginia. In contrast, the alternatives for Western ranchers, like the amount of available land, are extremely limited.

Perhaps if Mr. Cooke decided that he wanted to use his new stadium to graze cattle and sheep in the off-season after the "Hogs" have used it, the Clinton grazing fee plan could be defeated, as special interests, fearful that Mr. Cooke would take his stadium elsewhere, would see the true economic harm of higher grazing.

Dave Juday, formerly an agricultural analyst with Vice President Dan Quayle, is director of the Focus on Agricultural Regulation and Markets Project of the Alexis de Tocqueville Institution in Arlington.

Mr. MCCAIN. Mr. President, I rise in opposition to the Interior appropriations conference report. While I understand that this bill would fund many worthwhile and necessary projects, I must object to provisions in the bill which would drastically alter our Nation's policies toward public lands.

The provisions which I am referring to supposedly represent a compromise regarding Federal policies on grazing. The measure would increase grazing fees to $3.45 per animal unit month

over the next 3 years and enact several provisions of the Clinton administration's rangeland reform proposal. Some of the reforms that would become law include: eliminating the Bureau of Land Management's [BLM] grazing advisory boards, preventing future permit holders from claiming water rights based on grazing related developments, and no longer allowing ranchers to claim title to range improvements constructed on BLM lands.

I agree with the Secretary that the Federal Government should promote wise stewardship policies that are fair to the rancher and the general public. However, I am greatly concerned that the reforms adopted by the conference committee have not been carefully examined, and might adversely impact rural communities and the natural resources themselves.

Contrary to the assertions of those who support this measure, I do not oppose it because I oppose reform of Federal grazing policies. Nor do I oppose it because of the increase in grazing fees. These claims are false and distort the true argument before us today.

I oppose the conference report for one clear and simple reason: These are wide-ranging reforms and they should not be enacted without public hearing and a full and complete examination of the issues involved.

It is amazing to me that my colleagues stand ready to implement legislation without any idea of what effect it will have. It reminds of what was done when we adopted the so-called "luxury tax". It was also enacted without much thought or consideration. The result was the dislocation of thousands of workers. I hope that we would not make that same mistake again.

In my opinion, these measures represent sweeping changes of our policies toward public lands. We can not abdicate our responsibility as U.S. Senators by enacting legislation which we have not carefully reviewed.

Unfortunately, the conferees are attempting an end run around the normal legislative process. No congressional hearings have been held to examine the possible effects of this legislation. No amendments can be made to this proposal. Additionally, with the exception of the few Members who were privy to this "deal", no Member of Congress will have the opportunity to shape the policy. Obviously, this is not how important public policy should be developed.

Please allow me to explain why I am so concerned about the legislation contained in this conference report. Serious questions have been raised about this legislation which have not been addressed. If we codify these rules today without going through the proper legislative process, we will be taking a step which will not be easy to reverse if we are wrong. I would like to point out two concerns about the proposal which were brought to my attention regarding the effects Federal ownership of rangeland improvements and the impact of utilities and water projects on Federal lands.

The ownership of Federal rangeland improvements is a central part of the Reid compromise contained in this legislation. In my opinion, and in the opinion of many others, this will be a critical factor in both the short- and long-term ability of the ranching enterprises to maintain economic viability and contribute to land improvement and the economy.

The legislation before us today makes the Federal Government the sole possessor of future permanent range improvements. Concerns have been raised by the banking industry in the West that this policy could significantly devalue the capital stock of ranches that depend upon public lands.

There is a complex relationship between the capital value of ranches and the value of permits. If the capital value of ranches declines, then the ability of ranchers to access funds for annual operations and improvements will also be affected. This could result in the devastation of thousands of small ranches across the Western States.

Gary Buntrock, senior vice president of Farm Credit Service, one of the major lending organizations to ranchers in my State, expressed this concern to the Bureau of Land Management in September of this year. I don't know if this was considered by those Members of the conference committee who were privy to this deal when it was put together, but it greatly concerns me.

Maybe, Mr. Buntrock and other Western bankers I have heard from are wrong, but without going through the normal legislative process, Members have no way of knowing if their concerns are legitimate.

Utility companies in the West have also expressed their concerns about this measure. They are concerned that language in the bill may affect their title to future transmission facilities placed on Federal lands.

I have received a letter from Bob Lynch, president of the Central Arizona Project Association, expressing his concern that this measure may grant the Federal Government title to future transmission facilities and other facilities related to electric power, natural gas, or water on Federal lands.

Again, I am not certain if he is right, but at the least these concerns merit investigation. They should not be swept under the rug because of Congress' desire for expediency in deciding policy that will affect the livelihoods of rural westerners.

Contrary to the opinion of its proponents, this is a back room deal. It has not been subject to the scrutiny of the full legislative process, and this is not how policy should be decided.

The contention that this compromise is the lesser of two evils and, therefore, Members should support it, is foolish. I was not elected by my constituents to do what some Members consider the lesser evil. I was sent here to do what is right.

Mr. President, let me say again that I am not opposed to reform. I would seriously consider a reform proposal which went through the proper authorization process and which promotes proper stewardship of public lands. I am very disturbed, however, that some conferees have taken it upon themselves to decide what these policies should be without a detailed understanding of how such reforms will affect families in the West.

Congress and the administration must learn to appreciate that policies affecting public lands have a dramatic affect on Western States, and the welfare of our rural communities, and should not be the subject of "dead of night deals" worked out in conferences by a few appropriators.

Mr. President, I ask unanimous consent that letters from Gov. Fife Symington of Arizona, Bob Lynch of the Central Arizona Project, and Gary Buntrock of Farm Credit Services be entered in the RECORD at this time.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF ARIZONA,
Phoenix, AZ, October 21, 1993.

Hon. JOHN MCCAIN,
U.S. Senator,
Washington, DC.

DEAR JOHN: The U.S. Senate will shortly be taking up the conference report on the FY 1994 Interior Appropriations bill. This legislation has become the subject of controversy because of the issue of grazing management reform. I have been working closely with my colleagues in the West to comment on the Rangeland Reform proposal put forth by the Department of Interior. My sense of the deal before you, based on our common notions of public participation in a democratic society, is that it represents the worst of all possible solutions with regard to public land management and grazing fees.

Reforming public land management is a complex undertaking with the potential result of healthier land and sustainable rural communities. It should not be done hastily, opening the door to unintended results. The governors and western communities have expertise and experience that should be tapped through an inclusive process to shape the policies that will protect the range and sustain rural communities into the future.

Since the introduction of Rangeland Reform '94, the Department of Interior has been attempting to short circuit the public review and comment process. Review periods have been extended only to hold off legal challenges under the National Environmental Policy Act (NEPA). Now, with the package being presented to the Congress for possible codification, all such public comment and review will be cut off. This is unacceptable by itself. It is even more unacceptable given the direct impact that federal grazing fees have on state grazing programs. For example, grazing on Arizona state land is tied to the federal grazing fee, minus 21 percent.

An inclusive process would offer the possibility of a compromise which satisfies our mutual desire for improved management of our public lands. The process before us cannot achieve that same end. It is a back room deal that violates our principles of participatory government. Congress should not take a short cut on developing a rational and workable rangeland reform agreement. A full public hearing process, in Washington, D.C. and across the western states should take place on the issues before us. That will help to ensure that Congress will not be enacting, yet again, a law with unintended and undesirable consequences.

I support the comments that my colleagues, Governor Sullivan and Governor Leavitt have proposed. Those comments were originally drafted to improve the Interior Department proposal. Governors have been constructive players in the process to improve range management. My colleagues and I are greatly concerned about the economic impact of Rangeland Reform, as well as its impact on sensible and professional stewardship.

A moratorium on consideration of reform was not the right answer. Codification of the proposal is also not the right answer. The right answer is for the proposal to endure scrutiny and amendment by the people with a stake in the economic and ecological future of the lands in which they live. On that basis, I support the efforts of Western Senators to prevent this proposal from becoming law at this time.

Sincerely,

FIFE SYMINGTON,
Governor.

FARM CREDIT SERVICES,
Tempe, AZ, September 10, 1993.

Mr. MICHAEL J. PENFOLD,
Assistant Director, Land and Renewable Resources, Bureau of Land Management, Washington, DC.

DEAR SIR: This letter is to provide comments for the U.S. Department of the Interior-Bureau of Land Management (BLM) and the Department of Agriculture-Forest Service (FS) Note of Intent to prepare an Environmental Impact Statement (EIS) and advanced notice of proposed rule making as published in the Federal Register, Vol. 58, No. 155, Friday, August 13, 1993, pp. 43202–43206, 43208–43213, and 43234–43237. Due to the simultaneous, similar, and concurrent nature of the rule making of the two agencies, and the inadequate time allowed, these comments will serve as my preliminary comments for the entire proposed rule making.

The publication of the Advance Notice of Proposed Rule Making ("rules") encompasses a number of issues of direct interest and impact to the Arizona Agricultural Credit Association (Association). As a member of the Farm Credit System our financial institution provides credit to the agricultural industry, and in particular, services the credit needs of cattle operations highly dependent on the use of public lands for grazing. This Association services both the long and short term credit needs of the Arizona cattle industry.

The Association is interested in the economic effects and impacts of the proposed rules on (a) the Association's ongoing ability to meet the credit needs of livestock operators, and (b) the Association's financial condition. Specifically, the Association is concerned with the rules effect on collateral values that secure the extension of credit, and the short and long term ability to meet debt service requirements.

The Association requests the BLM and FS to respond to all of the following comments and questions on the proposed rules in the EIS.

1. What is the site specific economic impact on the Arizona Agricultural Credit Association and each of its public lands ranchers?

2. What is the site specific and cumulative economic impact on each Farm Credit System local lending institution in the Western states?

3. What is the economic impact on the Farm Credit System as a rural agricultural lender?

4. What are the economic and financial impacts upon the Farm Credit System Insurance Corporation?

5. What are the site specific and cumulative impacts to each state Farmers Home Administration in the Western United States?

6. What is the site specific and cumulative economic impact to each state or nationally chartered rural lending institution?

7. What are the site specific and cumulative economic impacts to each Federal Reserve District in the Western United States?

8. What are the economic, regulatory, and insurance fund impacts to the Federal Deposit Insurance Corporation?

9. What are the site specific and cumulative economic impacts upon the repayment capacity of public lands ranchers on a county by county basis in each Western state?

10. What are the economic impacts to the collateral values of livestock, public land leasehold interests, and deeded lands contiguous to public lands?

11. What is the impact of the proposed rules on the lien position of secured creditors?

12. What are the impacts to lenders holding perfected security interests in public land grazing leases in light of the proposed title reversion to BLM and FS of range and water improvements?

13. What are the specific economic impacts on ranch operating costs on a per animal unit basis, county by county in the Western states, in view of the proposed national rangeland standards, compliance with Federal and state environmental laws, and grazing fee increases?

14. What are the economic impacts to ranchers on a county by county basis and cumulatively by state as a result of the proposed surcharges on the subleasing of public lands?

15. What are the county by county economic impacts on the collateral value of deeded lands contiguous to public lands as a consequence of canceling grazing preferences?

16. In what manner and frequency will a public lands rancher be evaluated to determine "stewardship" and compliance with all of the applicable environmental, conservation, and preservation laws proposed under the rules?

17. Who will be responsible for making determinations of "stewardship" and regulatory compliance, what professional and educational qualifications will be required to make such determinations, and what authority will accompany such determinations? Who and how will determinations be monitored? What is the cost of such a monitoring system?

18. How will lenders be notified of such determinations, and what assurances can be expected to accompany the determination?

19. What is the economic rationale for discontinuing the Grazing Advisory Boards, and what economic efficiencies are gained by their replacement with Resource Advisory Councils?

20. What is the economic rationale for linking permit violations and prohibited acts with permit and lease tenure?

21. Would a permittee's lending institution meet the proposed definition of Affected Interest Status? If not, then why?

22. Would title to existing range improvements on leased public lands pass to the permittee's estate upon termination of current leases? If not, what is the economic impact to lenders, on a county by county basis, holding a perfected security interest on the improvements as collateral that secures an extension of credit?

23. What is the economic basis, rationale, and source of data for the proposed grazing fee increases?

24. Do the proposed rules discriminate against small, young, or beginning ranchers who may require five years to pay for the cost of cattle in view of the maximum five-year permit for new leases? If not, why?

25. Do the proposed rules enhance the public rangelands as a renewable resource, and promote the Congressional policy expounded in the National Environmental Policy Act of 1969, as amended, Sec. 101.2(a)(b)? If so, how?

26. Provide a list of the EIS's and Environmental Assessments utilized in preparing the Advance Notice of Proposed Rule Making, as required by 40 CFR 1501.2(b).

27. Provide all of the documentation, transcripts, and summaries of all scoping and discussion activities performed under 40 CFR 1501.7(1).

28. What are the economic consequences of not implementing the proposed rules?

29. Provide a list of documents, analyses, and alternative proposals used in developing the Advance Notice of Proposed Rule Making, as required by 40 CFR 1501.2(b).

30. What compensation will be given to ranchers for the taking of grazing rights that existed prior to the development of the permit system? If no compensation is contemplated, why not?

31. Should compensation to permittee's for reductions in grazing preferences be consistent with Internal Revenue Service tax values? If not, why?

The Association objects to the inadequate amount of time allotted for comments on the proposed rule making and the EIS given the magnitude and importance of the issues raised herein. At a minimum I request a 90 day extension of this comment period.

Please keep me informed of future development regarding these proposed rules.

Respectfully submitted,

GARY L. BUNTROCK,
Senior Vice President.

CENTRAL ARIZONA
PROJECT ASSOCIATION,
Phoenix, AZ, October 20, 1993.

Re: H.R. 2520, the Interior Appropriations Bill.

Hon. DENNIS DECONCINI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DECONCINI: We are asking you to reconsider your support for Senator Reid's compromise language on FLMPA, which you supported in the conference committee. We are attaching three specific provisions from the conference report, specifically subsections (d), (i)(2) and (m) of Section 406. Subsections (d) and (m) and the last sentence of subsection (i)(2) need to be stricken or narrowed to relate to the subject matter of the legislation. Whoever authorized these

provisions was either careless and sloppy or intended that this language, nominally aimed at grazing practices on public lands, be in fact applied to all federally related resources.

Not only could the water related language present problems for the Central Arizona Project if broadly applied and interpreted but subsection (m) could be interpreted as a direct command to the United States to require that future transmission facilities and other facilities related to electric power, natural gas or water would have to belong to the United States once placed on federal land. That is obviously not what should have been put in this legislation nor is it acceptable. Since the concept of "valid rights" contained in these provisions is not clear, existing and future facilities of the Central Arizona Project as well as utility services connected to it by others and necessary for its operation could be adversely affected.

Frankly, Senator, CAP doesn't need any more problems right at the moment. We don't need any new laws complicating our already complex situation. We don't need any new laws that federal bureaucracies will need time to interpret, thus placing roadblocks in the critical path to problem solving for CAP that we must follow.

We believe these legislative drafting mistakes can be resolved without disturbing the essence of what Senator Reid negotiated with Secretary Babbitt. We hope you will agree and will find a way to have the offending provisions either stricken or substantially narrowed. Absent that action, we hope you will withdraw your support for this compromise in this bill and ask that the grazing compromise package be reconsidered.

Thank you for your consideration of this urgent and important matter.

Sincerely,

ROBERT S. LYNCH,
President.

Amendment No. 123: 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 proposed by said amendment, insert:

SEC. 317. GRAZING.

Title IV of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751 et seq.) is amended by adding the following new sections:

"SEC. 406. RANGELAND REFORM.

"(d) WATER RIGHTS.—Subject to valid water rights existing on the date of enactment, no water rights shall be obtained for grazing-related actions on public lands except in the name of the United States.

"(i) RANGE IMPROVEMENT OWNERSHIP.—

"(2) The permittee or leasee may hold the title to all temporary range improvements authorized as livestock handling facilities such as corrals and dipping vats and temporary, readily removable improvements such as troughs for hauled water. The authorization for permanent water developments, such as spring developments, wells, reservoirs, stock tanks, and pipelines, shall be through cooperative range improvement agreements to protect the public interest for multiple use of rangeland ecosystems. The United States shall assert its claims and exercise its rights to water developed on public lands to benefit the public lands and resources thereon.

"(m) RANGE IMPROVEMENTS.—Subject to valid rights existing on the date of enactment of this section, all rights to permanent improvements contained on or in public lands are vested in the United States.

Mr. DORGAN. Mr. President, Members of the Senate have suggested Senator REID has colluded with those who would impose upon our western ranchers ill-founded policies for the management of our western ranges where many ranching families earn their living.

Some have even accused Senator REID of participating with House Members and the administration in some grand plot to place unbearable burdens on our western ranchers, and to cut our ranchers out of their right to participate in the debate over policies on our public rangeland.

That's absurd. I don't support Senator REID's compromise, but his proposal was negotiated with Members of both parties in the House of Representatives, with administration participation. Senator REID, who stands up for our family ranchers as strongly as anyone in this body, simply tried to sit down with the principals of the grazing issue in the House and reason with them on behalf of our ranchers.

I applaud Senator REID for a sincere effort to negotiate a compromise, and he did manage to extract some concessions on the side of reasonableness.

But as I said, I cannot support the compromise. I don't think it is fair. Unfortunately, Senator REID faced some very entrenched interests in the other Chamber. And the House insisted upon provisions that, in my judgment, will likely put thousands of ranch families out of business should we adopt them, and would unwisely and arbitrarily alter range management policies that have worked well.

Despite Senator REID's efforts, I stand with those who insist that the U.S. House position on this issue is arbitrary and harmful. Further, it is not justifiable policy and it would unnecessarily harm family ranchers.

For example, the conference report includes an increase in the Federal grazing fees to $3.45 per animal unit month [AUM] in just 3 years. That may not necessarily be an unreasonable level in itself. However, the House also insisted upon an index that would sharply accelerate the rate beginning in 1997, making the rent unreasonable and excessive within a few years.

Also, too many proposals for so-called range reform would be codified in this conference report without the debate and public comment needed to evaluate the specifics of those proposals.

For example, this legislation would require the Bureau of Land Management to formally object to all and any of a State's award of water rights to ranchers on all Federal land. This would change a century of restraint by the Federal Government. Up to now, the Federal Government has recognized State authority in granting water rights, and has reserved the right to object in certain cases affecting water usage on Federal land.

Such a change in the role of States and the Federal Government on water rights certainly deserves public comment, and should not be summarily approved in this legislation.

The fact is, we do need to discuss and debate many of the specifics of proposals in the so-called Range Reform '94 proposal. We are not ready to codify all of those proposals without public involvement.

So, I am here to oppose this motion to cut off debate. The Senate must insist that we reach some reasonable resolve—one which allows family ranchers to survive—before we move forward to legislate these questions.

Many Members of this body, from both parties, do have ideas and alternatives to offer to resolve our differences with the other Chamber. We should not try to pass this conference report until we have had full opportunity to arrive at a reasonable policy on grazing issues.

Mr. GORTON. Mr. President, this evening I will vote against the motion to invoke cloture on the Interior appropriations bill. I am doing so because the Babbitt-Reid rangeland reform compromise contained in the bill raises a number of fundamental questions about U.S. policies governing public lands, and because neither I nor most other Members of this body have had an opportunity to get answers to these questions.

The Babbitt-Reid provision is the result of last-minute negotiations among a select group of Members and administration officials. Since the language was made public just days ago, I have heard from several of my colleagues and a number of individuals in Washington State that are affected by Federal rangeland policy. All are raising concerns that go well beyond whether grazing fees should be $2 or $3 or $10 per animal unit month. If this were the only issue at stake, I think we might be able to come to some sort of a compromise on this bill. But the Babbitt-Reid proposal does much, much more.

The Babbitt-Reid proposal would give the Federal Government sweeping new power to impose surcharges and penalties on permittees, to take ownership of range improvements, and to assume water rights for all grazing-related actions on public lands.

Mr. President, none of us have any idea what actions are grazing-related, but given the breadth of this proposal I think we ought to take the time to define the term. The same goes for the question of valid water rights. Depending upon how this term is defined, this Babbitt-Reid proposal could obviate years of ongoing settlement litigation without so much as a congressional hearing.

I also note the irony in the fact that proponents of this measure have repeatedly stated that there is no choice but to adopt this conference report, as the House will accept nothing less than the Babbitt-Reid proposal. This is the same House of Representatives that this year has repeatedly rejected even the most innocuous legislative provisions when they have been attached to appropriations bills by the Senate. Now the House is saying it will take nothing less than the 10-odd pages of authorizing language contained in this conference report.

Mr. President, there may be parts of this proposal that I could support, but not as part of this appropriations bill. It would be irresponsible to pass with no hearing, no committee report, and no legislative history such a sweeping measure that will impact the lives of so many individuals and families. I will vote against the motion to invoke cloture, and would urge my colleagues to do the same so that we can let the authorizing committees do their job.

The PRESIDING OFFICER (Mr. HARKIN). Who yields time?

Mr. WALLOP. I yield 2 minutes to the Senator from Idaho [Mr. KEMPTHORNE].

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, 19 pages of law and not 1 minute of public hearing. The very people that are being impacted have not been heard from.

Let me on behalf of those people read to you what Doran Butler of Bliss, ID, says:

> I have run livestock on the BLM adjacent to our deeded land, near Bliss, Idaho, ever since the original Taylor Act of 1934. I am now retired, but I have two sons running the cattle. Our small permit, I believe is unique, since we have never bought or sold any BLM right. It is all the original rights proven during the original adjudication in the early years of the grazing service. When you try to figure the value of our BLM AUM's, you are not giving us credit for our capital investment on the range. You say we don't own it, but through stewardship and cooperation with the BLM, I have seen, our range come from a run down eroded piece of land, with sand dunes and weeds to an allotment anyone could be proud of. We have paid a portion of all the improvements, seeding and fencing in our case. We try to manage it like we own it. When you figure in, all the capital costs we are now paying, we are now paying a price comparable to private pasture rates.
>
> As a result of good management by my family and the BLM on our allotment and other allotments in the area: the sand no longer blows, big game in the form of deer, elk and antelope have returned, and the sandhill crane, curlew, and many raptors have also returned and multiplied. I don't believe that extreme preservationists can deny, that the environment, here on our range, is in much better condition now, than it was 40, 50, or 60 years ago.

I ask my colleagues, does this sound like the caricature rancher that environmentalists have used to argue for fee increases and for this massive shift in Federal land management policies? I ask my colleagues, how much will it cost the Federal Government to replace these onsite "land managers" who nurture and care for the land because it means a future for their children? Does anyone here believe that the Federal Government can do a better job?

The PRESIDING OFFICER. Who yields time?

Mr. REID. I yield 6 minutes to the President pro tempore of the Senate, Mr. BYRD.

The PRESIDING OFFICER. The Senator is recognized for 6 minutes.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Nevada.

Mr. President, as Senators know, this issue of grazing fees and rangeland management reform does not affect my State of West Virginia. But as chairman of the Interior Subcommittee, I do have a responsibility to try to bring back reasonable compromises from the conferences for presentation to the Senate so that the bills may pass and be signed into law.

The conference report agreement that is presented here this evening attempts to address an issue that has confounded this appropriations bill for at least, I think, a half-dozen years. Every year, every year, this issue is brought up on the Interior appropriations bill.

Mr. President, the Senate cannot act as though the House does not exist—it is over there at the other end of the corridor. It has been there. The House got a quorum a few days before the Senate did in 1789, so do not forget that that House exists—nor can the House ignore the Senate on the issues that we must resolve in these conferences.

I remind the Senate that the House has sent two very strong messages on this topic by votes with margins of 3 to 1. The House has resoundingly sent the message that the status quo in grazing is not acceptable. I would like to get this thing off this bill and be done with it.

The time has come to move the issue forward. We have talked about this year after year, both on the Senate floor and in the Interior bill conference.

The conference report contains amendments in disagreement. If the Senate is not happy with the resolutions contained in the conference report or in the amendments in disagreement, let the Senate speak on the issue. If a change is desired, offer an amendment to one of the amendments in disagreement.

Mr. President, as I say, West Virginia is not affected by the grazing issue, but my State and every other State that is represented in this body is affected by the content of the conference agreement. There is something in this bill that is of interest to every Senator other than this particular issue.

I wonder whether all of the Senators who have written to me and spoken to me about the imperative need for various projects in their State, many of which are funded by this conference report, believe that the grazing issue is more important than the various projects recommended herein. Now, some may be. There are maybe some Senators who believe that, but certainly the overwhelming supermajority of Senators in this body cannot really believe that, I do not believe.

The Interior Subcommittee received over 1,800 requests for projects. The distinguished Senator from Arizona a few minutes ago spoke about some of the various projects that affect his State that are funded in this bill. And he is not the only Senator. There are other Senators, I am sure, who may need to be reminded of the projects that are in their States that are funded by this bill which will not be funded unless this legislation is passed.

The Interior Subcommittee, as I say, received over 1,800 requests, many from the same Senators who are now saying that the conference report should be filibustered. Well, has the need for these projects gone away? Obviously, the strategy of those who oppose the compromise is to achieve further concessions, and that is fair game.

I remind all Senators, however, that the proposal before the Senate is already a compromise. It reflects a compromise between a proposal of doing nothing and allowing Secretary Babbitt a free hand to implement administratively all of his rangeland reforms. The House has spoken loudly. It has rejected the grazing moratorium adopted by the Senate by a margin of 3 to 1. The House has approved, as I say, just last night this compromise by a similarly large margin.

So for those who suggest further compromise is necessary, come forward, adopt the conference report, offer your amendments to an amendment in disagreement. That is the way it is done. Let the Senate work its will.

Mr. President, let us move forward. The continuing resolution will expire next Thursday. The choices are clear for all Senators. Allow the filibuster to continue or invoke cloture. Let each Senator make the choice.

The conference report agreement provides funding for the continued operation of Indian schools and health clinics, national parks, timber sales in the national parks, the continued operation of the Smithsonian Museums, and much more. Failure to enact this conference agreement will result in all of these activities coming to a halt when the continuing resolution expires next week. I do not believe that that is a responsible action on the part of the Senate. I urge Senators to vote for cloture.

I thank the Senator for yielding time.

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP. Mr. President, I yield 2 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, we are debating in a principle here. I think we are all aware; it has been said time and time again, that the amendment has not had a hearing. As ranking member of the Senate Energy Subcommittee on Public Lands, National Parks and Forests, I object to the amendment for that specific reason. It belongs under the jurisdiction of the Energy Committee.

No one can really tell us the full impact of this amendment, either good or bad, because there have been no studies, no testimony, no public comment, and no environmental analysis. It is clearly authorization on appropriations. It is dangerous for the Senate and dangerous for the hard-working people of the West. It is specifically a threat to the Western States.

Let me add one more point because my time is limited. This could have a very serious impact on the financial institutions and the ranchers of the West. I was a banker previously. Financial institutions of the West have historically lent money to ranchers based on their long-term tenure on public lands. The bank loans have been secured by grazing permits. This amendment will remove the certainty, the certainty that responsible ranchers have in retaining their grazing permits.

The amendment simply gives the Secretary of the Interior discretion to pull grazing permits. What banker in his right mind would lend into a situation where the ranchers have such uncertain status associated with those grazing permits?

The amendment states that upon an administrative finding of a violation of any Federal and State law concerning conservation, protection of natural and cultural resources, and protection of environmental quality, the BLM may consider cancellation or suspension of permits and leases.

A rancher with a hole in his pickup muffler would be at risk of having the BLM jerk his grazing permits.

The banks will call in their loans to ranchers. They will not issue new loans to ranchers to provide capital for continuing or new ranch operations.

It will destroy the ranching industry and also jeopardize the banking industry. The banks' seemingly secure investments will vanish overnight.

Does this sound familiar? Shall we vote for a new savings and loan crisis?

Ranch property values will fall. Banks will lose even more money, property taxes will decrease, local governments will loose their bonding capacities.

Important community health and safety facilities will not be built.

The Federal Government loses money, too. The IRS taxes the value of grazing permits. There is no tax on a permit with no value.

Studies indicate that State and Federal Governments in the West will lose millions of dollars if this amendment is passed.

Mr. President, Alaska has very little grazing. In fact, the grazing permits issued in Alaska are for reindeer grazing.

Nevertheless, this amendment may have a far-reaching, negative impact in my State.

The amendment states that subject to valid rights existing on the date of enactment, all rights to permanent improvements on or in the public lands are vested in the United States.

What are valid rights and who determines if one exists?

Alaska Natives and other rural residents may have built cabins, camps, structures, and other improvements on lands and have used and occupied them for years, even before there was a State of Alaska.

The amendment would allow the Secretary to take these improvements based on a finding of valid right.

It is a shameless attack on Alaska Natives and rural residents to take their property.

Let me assure my colleagues that this is exactly what will happen.

Public Lands has just scheduled a hearing on this very issue.

I oppose the Reid amendment.

Mr. NICKLES. Mr. President, I am pleased to support the chairman's remarks and his introduction of the conference committee report for the fiscal year 1994 Interior Appropriations bill. I want to think the chairman for his efforts in bringing the conference report to the Senate floor. I compliment the Senator from West Virginia for the excellent work and leadership he has provided.

The Interior Appropriations bill is a difficult and complicated bill. There were approximately 1,050 items of difference between the House and Senate Interior Appropriations bills. As in the past, the Interior allocation levels do not match the agency needs and the Member concerns. The committee of conference is providing for the many competing needs and is under allocation levels for budget authority and outlays. During the past 9 months, we have faced challenging questions on construction projects, land acquisition, the National Biological Survey, mining patent moratorium, grazing fee increases and reforms, and others.

The Conference Report is within the 602(b) allocations of $13.736 billion for budget authority and $13.731 billion for outlays. In addition, it is under the President's budget request level of $13.935 billion. The conference material before you presents the meshing of the priorities from both Houses, attention to agency needs, and consideration for Member requests.

Overall, the fiscal year 1994 Interior Appropriations bill is a 4-percent increase from the fiscal year 1993 enacted level of $13.148 billion. Additional funds are provided for a number of agencies' operations and maintenance needs. The bill generates approximately $8.4 billion in receipts to the Treasury. The total of the construction accounts for the Bureau of Land Management, the Fish and Wildlife Service, the National Park Service, and the Forest Service is $47 million below the fiscal year 1993 enacted level. In addition, the total for the land acquisition accounts for those same agencies is $29 million below the fiscal year 1993 enacted level.

The decisions that are being made in this bill carry over to future years. Our recommendations, while under the allocation limits, carefully balance appropriations and revenue generation impacts in fiscal year 1994 and in future years. The conference committee's recommendations will contribute to a balanced Federal budget while continuing to provide the expected Government services.

During our conference deliberations, deep concerns have been expressed over the changing uses of public lands and its resources. Such shifts have drastic effects on local rural communities and economies and on the funding of local governments. While keeping within our limitations, the conferences have recognized the importance of programs to employment, the economies, the infrastructure, and the social fabric of many rural communities. We have been alert to the needs of Native Americans, as well as the other programs funded in this bill.

Mr. President, again I wish to thank the chairman with whom I have worked closely. I wish to express my appreciation to Senator BYRD's staff—Sue Masica, Rusty Mathews, Kathleen Wheeler, Larry Benna, and Ellen Donaldson. Also, I would like to thank Cherie Cooper and Ginny James of my staff. The Senator from West Virginia and his staff have made this a bipartisan effort which makes the task certainly much easier and achievable.

Mr. WALLOP. I thank the Senator from Alaska.

I yield 3 minutes to the minority whip.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. SIMPSON. Mr. President, I thank my good friend from Wyoming. He and I have legislated together for nearly 30 years in the Wyoming Legislature and here.

I do not believe the two of us have ever witnessed a more egregious bit of arrogance than we see here. We are not talking about grazing fees. They will go up. And there is a bipartisan movement to do that, with Senator BEN NIGHTHORSE CAMPBELL and Senator MALCOLM WALLOP. They are proposing that. This is about being obsessive and being obsessed.

I happen to know the cast of characters who are in the House of Representatives: RALPH REGULA, a Republican; MIKE SYNAR, a Democrat; and GEORGE MILLER, a Democrat. They are absolutely obsessed. They go to bed at night and they think about grazing fees. It is on their brain, seared through there. It is very difficult for them to rest. They prattle on about it day and night.

I cannot believe I did a Lincoln Day dinner for RALPH REGULA, as I said today at a press conference—shabby rascal to do a thing like that.

But they just keep coming. I think it is important in the days to come that we review carefully how many big dippers they have in their particular firmament of pork in their communities. I will be watching that. How much corn money is there in that district? How much wheat money? How much? Because what we are talking about here is $30 million. If you doubled it, you would make 60 million bucks for your country.

What is this about? Certainly it is not about money. It is about an agenda. They watched Ronald Reagan and George Bush for 12 years. And they said, "Boy, some day we will get our chance, and when we do, we will do those old cowboys in."

Now the time is here. At least many of you on both sides of the aisle are just saying, "Look, before you do anything as dramatic as this, let us have some hearings." I hope we will do that.

This is not about money. This is about obsession and arrogance. And they have had a lot of fun. But all of us who have legislated through the years know how this works. No one knows better than the Senator from West Virginia. He has taught me much. When you have the hook and the hammer in your hand and use it, remember, it will come to pass that you will be the one pleading one day and you will hope that someone has the compassion that you would have shown in that situation.

That is what is ultimately going to happen. That is not a threat. It is the reality of legislative life. This is a jackboot on the neck, and they are having a lot of fun with it. And I am going to have a lot of fun with them.

Mr. President, I stridently oppose the Reid/Babbitt compromise.

There will be a great deal of contentious debate in the days to come on this legislation.

Westerners are not engaging in this battle because we picked a fight. We are not here to protect some pork project that was slipped into an appropriations bill in the dead of night. we are defending our heritage in a battle that was forced upon us.

Indeed, my colleague, the distinguished senior Senator from Wyoming, MALCOLM WALLOP, is absolutely accurate—we are defending a Western lifestyle in this administration's "War on the West".

We should recognize the facts.

This is not solely about grazing fees. We have agreed that a reasonable increase in the fee is inevitable and we have offered a bipartisan plan to do that.

What the administration chooses to ignore, yet what it knows as a fact, is that the private lands in the West are not in large chunks, but are, instead, scattered intermittently among public rangelands. The administration wants to control all the land—public and private.

The close proximity and access to the public parcels of land was the enticement that the Federal Government used to encourage people to settle the West: To allow individuals to obtain title to parcels of land surrounded by public land that they could use—for a reasonable fee—in conjunction with their smaller parcels of private land.

The majority of land in Wyoming is public land. The State is 48.7 percent federally owned, 6 percent State owned, and 12 percent in tribal trust lands. The Bureau of Land Management is the largest landowner—managing well in excess of 18.4 million acres: 17.4 million acres of that 18.4 million acres of public land are rangeland; the vast majority of the total 2,961 producers in Wyoming are small family ranching operations; some of those family operations pool their resources and operate under allotment management plans [AMP's]—there are 177 AMP's which, combined, operate on 5.4 million acres; the BLM classifies over three-fourths of the 17.4 million acres of range as being in "stable or improving" condition—52 percent of that is classified as in "excellent" condition.

A family cannot make a living on the small parcels of private land without access to the public range lands. And we are only talking about subsistence standards of living—these are not rich, fat-cat, ranchers. These are real families with real children, real bills, real mortgages, real needs, and who are all facing a callous and arrogant assault on their lifestyles simply because the administration believes this to be politically correct.

It is politically correct to pretend there is a massive subsidy of Western ranching and that people are getting rich and that the Clinton White House is going to change all that.

Well, Mr. President, if the Reid/Babbitt proposal for rangeland reform becomes law, there will most certainly be change. It will be a change for the worse for a good many hard-working and honest people. It will be a change from subsistence living to bankruptcy.

But let us look at some more facts.

Regarding water rights, constitutions of States like Wyoming, prior to being admitted into the Union, were approved by Congress. Those constitutions specifically reserved the right to control and regulate water. This proposal clearly states that the Federal Government will assert its right to Western water.

Mr. President. The fact is that the Federal Government has no right to Western water.

Here is another fact. Sometimes, it rains more in one week in Washington, DC, than it does for an entire year in my State of Wyoming. Wyoming sometimes receives 13 inches of rain per year. That is a wet year. We average closer to 10 or 11 inches.

Here is another fact for the Senate to consider: Our citizens—our ranchers and timbermen and land managers and constituents—have always practiced superb stewardship over the lands. The real fact is that the carrying capacity of the land is increasing.

Carrying capacity, Mr. President, is the amount of life—animals and plants and people, too—that the land can support and continue to regenerate and remain healthy and productive.

Wyoming ranchers, and Western ranchers alike, have been excellent stewards—they are the true ecosystem managers on the public lands. Through the cooperative stewardship and management efforts between Wyoming stockmen and the BLM, the rangeland is improving. That is a fact.

Our public land—our rangelands—have not deteriorated, but have improved. The fact is that there are more cattle and sheep on the range. But there are also more wild horses, antelope, deer, elk, coyotes—to the chagrin of sheepmen—on the land than ever before. There are more fish in the streams, and the streams are cleaner. There are more birds and waterfowl.

Those are facts.

I have a hunch there is a reason why the administration and Secretary Babbitt and BLM Director Baca are so fearful and reluctant to have public hearings on these so-called reforms.

The administration is afraid of the real facts. These facts would come out in hearings and it would soon become known that the people who ranch these lands, who live there and who depend on the land—all these people have been doing a very good job of protecting and improving the resource.

The so-called environmental groups, those obsessed with this issue in Congress, keep coming up with initiatives. So far, we have prevailed against the onslaught because the facts are on our side. We will continue to fight and scrap and scratch in order to protect the very legitimate interests of our constituents and our Western neighbors.

When it comes to grazing fees—one of the toughest things to deal with is the emotion and hype and hyperbole that is spewed by those who think Western ranchers are ripping off the Government.

I often say that every one is entitled to their own opinions, but no one is entitled to their own facts. We constantly have to respond to wild-eyed opinions and biased data by setting the facts straight.

The radical environmental groups don't give one whit about grazing fees. Their hidden agenda is the elimination of the multiple use policy on our public lands. Many of them say they want to be constructive but I can't help but wonder when I see that Earth First has come out in favor of a new sport—cattle hunting. They aren't interested in an equitable fee structure, they want public lands "cattle free by '93."

The congressional proponents of a grazing fee increase have tried various creative schemes to try and get that done over the years.

We cannot afford to let the radical environmental groups and misguided politicians remake the West in their own fanciful image of what ought to be.

I strongly believe that we must continue to try and bring common sense and real life experience into the fray in order to offset the emotional rhetoric which paints Western ranchers as thoughtless cattle barons intent on ravaging the land. Nothing could be further from the truth.

Mr. WALLOP. Mr. President, may I inquire as to how much time is left on both sides?

The PRESIDING OFFICER. The Senator has 6 minutes 54 seconds on his side, and Senator REID has 12 minutes 28 seconds.

Mr. REID. Mr. President, I will respond to my friend from Wyoming. One speaker is on his way, and has been for the last 45 minutes. If the Senator from Wyoming will wish us to close, I will use the remainder of the time. I will close after the Senator from Wyoming completes his statement.

Mr. WALLOP. I say I hope he is coming from the West, Mr. President, 45 minutes away.

Mr. REID. I think he may be coming by horseback.

Mr. WALLOP. Mr. President, I yield myself 1 minute.

I say to the Senator from West Virginia that we have already offered an alternative, and we are yet ready to offer an alternative. We, Senator CAMPBELL and I, at least have the decency to offer legislation, not a backroom deal.

This is not about fees. It is about control. Control the water of the West and control the resources of the West and you control the West.

Mr. President, Americans are entitled to be heard on matters affecting their lives. And we in the West hope that we are yet considered Americans. We have not been heard. Make no mistake, this is not about grazing fees. I will introduce a statement to say that it is about no more new electric power lines, no more new natural gas lines. They are so-called improvements on public lands to which all rights pertaining to permanent improvements on or in public lands are vested in the United States. Mr. President, we do not know what is in this bill.

Mr. President, I yield the remainder of my time to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico has 5 minutes 15 seconds.

Mr. DOMENICI. I thank the Senator.

Mr. WALLOP. I ask unanimous consent there be an additional 4 minutes equally divided.

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

Mr. WALLOP. I yield the remainder of the time to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, does that mean the Senator from New Mexico has 7 minutes?

The PRESIDING OFFICER. The Senator now has 7 minutes.

Mr. DOMENICI. Mr. President, I thank very much Senator WALLOP for yielding time to me.

I say to Senator REID, Mr. President, let me suggest that whatever has been said between the two of us, frankly, I just think we have the right case and Senator REID does not have the right case tonight. Beyond that, we will fight many causes, hopefully, for the West in the future. On this one, clearly we cannot agree.

Mr. President, fellow Senators, when I became a U.S. Senator I was from the city of Albuquerque, the big metropolis in New Mexico. In fact, as I was nominated once for a statewide race as a Republican, I was nominated by my city, and the rest of the State could have voted against me and I still would have been nominated. I did not know but one rancher. That was a rancher about 2 miles out of town that happened to be my grandparent, living on a little ranch that I was born on.

But I tell you, since I have been a Senator, I have met the ranchers of my State, and I am sure every Senator from the West has met theirs. And I tell you, if anybody thinks they are loaded with money, that they are rich people, that they are people who are just kind of using this land as a hobby, then they have not met my 4,000 ranchers who have permits on our lands. The overwhelming number are middle-income people, with a pickup truck and a car, and a couple of kids. I tell you, we have even done a survey on what they do with their spare time. Most of them do not see a movie but twice a year.

I tell you. For those in this administration, including Secretary Babbitt and his minions, if they think that this is just a disagreement that ought to be resolved in favor of what chairman GEORGE MILLER dictates as an ultimatum to the West, then I regret to tell you, Mr. Chairman of the Appropriations Committee and former majority leader, we are going to wait a long time for the hundreds of projects that are in that bill that are from my State because they can wait.

The ranchers will not be able to wait again because, if you pass these mandates on the ranchers of my State and the ranchers of Colorado, they cannot come back to the Appropriations Committee for anything because many marginal ranchers will be wiped out. And as somebody said, when you wipe out the marginal ranchers, what you have done under this new premise, which we think is really "Cattle Free in '93," we think this administration is loaded with "Cattle Free in '93" people. And if it is "Cattle Free in '93," I can tell you, as somebody wrote to me, Senator STEVENS, it will be "Condos Galore in 2004." Because what is going to happen is the fee land in New Mexico that is now serving with many Federal acres as a ranch will no longer be a ranch. Those sections of fee land will be bought up by developers, cut into 40 acre tracts and for those who want to preserve the West. The West will have a wide open range with nobody to protect it, and subdivisions of 30 or 40 acres springing up and the developers will say, "Well, that is what GEORGE MILLER, the chairman of the Interior Committee of the House, said was fair." And for those who look at that chart that say we ought to be paying more rent, let me just tell you, the difference between renting Bureau of Land Management ranch land and private land in my State, if there is any, it is sort of like this: Do you want a totally unfurnished apartment with none of the accouterments—no furniture, no icebox, no running water, just a plain old piece of house that is an unfurnished apartment—or do you want one totally furnished with a new heating system and a new cooling system, whatever? What our ranchers are getting is an unfurnished apartment. That is why they have to spend all the money to make it furnished. There should be a difference between the fees. There is no doubt about that.

Having said that, let me also suggest that there is not a Senator on that side of the aisle or on this side of the aisle that chooses to vote against the West who would sit by and watch the property values in their State get changed by an appropriations committee; an appropriations committee that did not hold a hearing because it was not their business, did not have a recommendation from a Senate committee because they never had a hearing. Would they sit by and say, "Well, that is what the House insists, so that is what we have got to take"? Because somebody over there has decided in the name of being

the new West and the Interior regulators are the best that it will be their way or no way. I regret that my friend from Nevada now says he went and "got the best deal I can from them, and if you don't want it, you will get worse."

Well, that is why I ask my friend, Senator BUMPERS, which would you prefer? Do you prefer to be hung by the neck or shot by a firing squad? I will tell you. I will tell you. Neither of them are what we want. We want something very simple. And I say to my friend, Senator BYRD, listen to what we want. We want 1 year, not 10, not 20—1 year, with none of the land management reforms implemented against the West. Is that asking the Appropriations Committee too much? They have never held a hearing on our rights. No committee of the Senate has had a hearing on our rights. Is 1 year too much when the ranchers tell us they are going to be thrown out of their leaseholds, and one might say, "Who is to believe them? After all, the environmentalists and conservationists say that is not true. Should we believe without any economic evidence, without any hearings, those who say do not worry?"

What is 1 year for hearings on range management reform? That is why I put a moratorium on this. That sounds like a big word. It is just saying do not do that for 1 year. It sounds like gridlock, but that is not gridlock. That is fair play.

I close by saying this, and it is kind of directed to our President: This is Secretary Babbitt's war on the West. But, Mr. President—and that is not the occupant of the chair, but President Bill Clinton—unless you stop it, it is going to be your war.

I yield the floor.

Mr. BYRD. Will the Senator from Nevada yield me 1 minute?

Mr. REID. Yes, I will yield 1 minute to the Senator from West Virginia.

Mr. BYRD. I say to my friend from New Mexico, he is willing to let the bill go down for the sake of this; I do not doubt that. I said a moment ago that you feel that strongly about it. There are a lot of other Senators around here who have many things in this bill. I am appealing to them to let the bill pass. The Senator has many things in this bill, too. He always does have. He is a good Senator.

Let me say this to the Senator: I have had my throat cut in this body on the coal miners amendment, and I did not cry about it. I did not filibuster about it. I took my whipping like a man and got up and dusted myself off and said let us get on with the next issue.

Mr. DOMENICI. I will not cry either.

Mr. BYRD. Very well.

Mr. REID. Today, we have heard a lot about "the war on the West." Mr. President, what is the West? In addition to the rangelands, the West consists of many large cities now: Las Vegas, Reno, Phoenix, Salt Lake, Albuquerque, Denver, Seattle, Portland, Billings, Boise, and Cheyenne.

Mr. President, I am a westerner. I was born and raised in the West. You cannot be any more western than I was. I was born in a place called Searchlight, NV. How west is that? My brothers and I were raised there. I was raised in a home that did not have a place inside to go to the toilet. We did not have hot water. I know what the West is all about. So anyone that thinks that I do not care about the West does not know what they are talking about. I care a lot about the West. The West is my home. I graduated from elementary school in Searchlight, NV. I would have gone to high school there, but they do not have one. I had to hitchhike part of the time just to go to high school. My five children have gone to school in Nevada.

We have heard a lot about whether you would rather be hung or shot. That, Mr. President, is meaningless, because a rancher does not have to be shot or hung. This is a compromise. We raise the grazing fee in 3 years, and that does not even pay the administrative expenses of the program. That is not too difficult. Yet, my friends say "spread it out longer."

I say, Mr. President, that they should talk to their ranchers like I have talked to mine. I mean talk to the ranchers privately. I have not talked to a single Nevada rancher that says to me privately, "Harry, we cannot live with this." They say, "I wish that this were changed a little bit, and I wish it were spread out a little bit, but I can handle it. Can you do a little better for us."

Of course, I would like to do a little better. I did the best I could do. I negotiated with the authorizers. There were criticisms about negotiating with authorizers. That is all I had. As a result of that, we were able to get something out of conference. The amendment was offered by a Republican. It went to the House and, yesterday, it was confirmed 317 to 106—by 3 to 1.

Mr. President, the choices are very simple. You take the Reid compromise, which ranchers can live with. They may not like it totally, but they can live with this. It is not being shot or hung. It is what is fair.

Mr. President, I do not think it is appropriate for me to get off this Senate floor tonight without defending Secretary Bruce Babbitt. You would think he was born in New Hampshire or Maine, as far away from the West as you can get.

Bruce Babbitt came from an Arizona ranching family. In order for him to be allowed to sit as a Cabinet officer in this administration, he had to sell his ranching interests, because of the conflict-of-interest rules. He was still a rancher 6 months or 8 months ago, whenever he became a Cabinet officer. Bruce Babbitt is a rancher, not some guy walking around with a devil's tail and a pitchfork. He knows the West. He represented rural Nevada water interests when Las Vegas tried to do a water grab in rural Nevada, when he was in the private sector. I must defend our Secretary of the Interior.

As I said this morning, and I remind everyone here, had Bruce Babbitt been some kind of a devious, sinister man, he would have waited until the appropriations process was over and then charged forth with his rulemaking process. He did not because he is a fair man.

Mr. President, today's West is far different than the West I knew. In the 10 Western States there now live 46.3 million people. I like my cowboys. I think the world of them. But there are 20,000 of them in the entire West, compared to 46.3 million people. Let us realize what we are talking about here. We are talking about the western part of the United States. Our resources are strained, our urban centers are becoming crowded. Our lands are being used by many.

Our lands, Mr. President, are used more than by the cowboys. They may not like it. I wish the West were the way it used to be, but it is different. The ranchers do not have a free hand to all that land anymore. There are competing interests. It is what we have heard about—multiple use. Lots of people like to use the land, not just the cattlemen. That is what this is all about. The West is changing.

The compromise still allows room for ranching families that are part of this history, and I am proud of that. It includes a modest increase of fees paid for use of the public lands. The vast majority of the ranching families will not be affected at all by these changes. They will retain ownership of range improvements, they will retain their own water rights, and in the future it will be like the Forest Service. They will not be penalized if they are caring for the land. These are for the railroad, recreation, grazing, mining and conservation of natural resources.

This debate is about the new West. This is about a balancing of all these competing interests.

I would like to read to you some of these things. There have been actual threats on this Senate floor that if President Clinton does not do something about grazing, he is going to be beaten in the West. Let me tell you, here is what happened since this Reid compromise came to be.

I have editorials, and I am only going to pick a few of them, from all over the West.

The Sacramento Bee, Thursday October 14, the headline is "Raising Grazing Fees." They favor. Among other things, they say:

The conference committee has an opportunity today to loosen the gridlock * * *.

The gridlock, Mr. President. If you want to know what gridlock is, this is gridlock in spades. This is it. It is a flush, a royal flush. It is gridlock as good as you can get.

And what The Sacramento Bee says:

* * * loosen the gridlock that has prevented fee hikes and range reform for 12 years. It's important for the country as titleholder, and especially for California, where 14 million acres of Federal land are affected.

Casper, Wyoming Star Tribune:

Politically, the subsidy threatens the future of western ranching. Worse, it cripples the western spirit..

Paying a fair fee, ranchers can command America's respect. Better ranch management and greater accountability will further secure the future for public lands ranching.

Salt Lake Tribune:

Ranchers Should Accept Compromise As Best Grazing Deal They Can Get.

When I hear my friend from Utah say this is horrible, the largest newspaper in the State of Utah loves this compromise. They say, among other things:

And ranchers would be better off taking the compromise deal's 85-percent fee increase than risking the imposition of Mr. Babbitt's original 130-percent increase. More than that, by accepting the compromise, they will finally put this nasty Federal range war behind them.

There were editorials in Las Vegas, editorials in Reno, and editorials in the Denver Post.

Congress should approve the reforms and put an end to this long-simmering debate.

I think my friends are listening to some other debate. The people of the West want this reform. We are not hurting and killing the ranching business. It is part of progression. Do not you think after 15 years there should be a modification of the program? In the debate that has ensued, this has come up since 1976 every year, every year since 1976 with no change. It is time to change.

The National Wildlife Federation:

The "Reid compromise" proposal will put end to the years of debate and gridlock.

Mr. President, I ask unanimous consent that these editorials and letters from the National Wildlife Federation, the League of Conservation Voters, the Southern Utah Wilderness Alliance, and the U.S. Public Interest Research Group be printed in the RECORD.

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

[From the Sacramento Bee, Oct. 14, 1993]

RAISING GRAZING FEES

The Clinton administration's effort to raise the rent on ranchers who graze their livestock on federal land, which Western Democrats in the Senate had successfully hogtied last month, now looks like it may be revived. A House-Senate conference committee will vote today on a compromise that while not everything the administration had sought, represents a step toward more reasonable prices for the use of the public domain and, more important, toward more responsible management of federal lands in the West.

The administration tried to include the fee hikes in its budget package last spring, but backed off when it met stiff resistance from Western lawmakers. Then in August, Interior Secretary Bruce Babbitt announced his intent to raise the fees by administrative order from $1.86 per month for a cow and calf (or five sheep) to $4.28 per month. By comparison, most private forage land in the West is leased for about $10 per month.

Again, the Senate resisted, declaring a one-year moratorium on fee hikes. The moratorium was eventually overturned by the House and now, under a fragile compromise forged by Sen. Harry Reid of Nevada and Rep. George Miller, a lesser fee increase—to $3.45 per month—has a chance to pass.

It deserves to be enacted. Clinton wanted more of a financial contribution from the ranchers—and perhaps there will be future opportunities to negotiate that. But Babbitt stands to get the tougher stewardship requirements and environmental reforms he originally sought.

Ranchers who abuse federal land or violate federal or state environmental laws would risk losing their leases. Water rights on leased land would remain in the hands of the public. And the existing grazing advisory boards; which oversee stewardship issues and are now dominated by leaseholders, would be replaced by resource advisory councils that, in addition to ranchers, would be composed of wildlife and fisheries experts, environmentalists and local business owners.

The conference committee has an opportunity today to loosen the gridlock that has prevented fee hikes and range reform for 12 years. It's important for the country as titleholder, and especially for California, where 14 million acres of federal land are affected. Given the ease with which that gridlock could return, the committee should seize the chance and vote yes on the Reid-Miller compromise.

[From the Casper (WY) Star Tribune, Oct. 19, 1993]

CAN THE WEST AFFORD FAIR GRAZING FEE?

(By Robin Groose)

Forage on most federal grazing allotments is worth more than the $1.86 per animal unit month (AUM) fee that ranchers pay now. Thus, the $1.86 fee is widely regarded as a government subsidy.

However, because livestock producers encounter much higher non-fee grazing costs (for herding, water, salt, fencing, etc.) on the public range than on private lands, it would be unfair to charge $10.03 per AUM, the average private rate.

Interior Secretary Bruce Babbitt and Bureau of Land Management Director Jim Baca proposed to raise the federal fee to $4.28 per AUM over three years based on a formula that they believe accounts for the differences between public and private lands.

Economic studies support a higher fee. The Grazing Fee Task Force included natural resource economists from the University of Wyoming and other western universities. They recommended a fee between $3 and $5 per AUM. An independent analysis by two UW professors of finance suggested a $3.75 fee. Congress is currently considering an increase to $3.45.

The Grazing Fee Dilemma: Although the Grazing Fee Task Force recommended a higher fee, they recognized that some ranchers find themselves in this predicament: "The government is not collecting full market value for public grazing, but ranchers are paying full value through the current fee, non-fee grazing costs, and the grazing permit."

Because grazing permits are transferred along with ranches when they are bought and sold, the permit adds value to the whole ranch unit. And, up to a point, that is as it should be. Long ago ranchers structured federal allotments into their operations and today strive to keep those allotments productive. But an artificially low grazing fee has undervalued federal rangeland forage and overinflated ranch values.

In the language of economists, the public lost equity as the government grazing subsidy was capitalized into ranch real estate values.

Thus, much of what the public is due—but the government is not collecting—ranchers are paying to each other or to banks and land speculators as ranches are purchased or mortgaged. (Ironically, a part of fair market value eventually finds its way back to the public when inheritors pay estate taxes on inflated ranch values.)

Does the "grazing fee dilemma" justify maintaining the subsidy? No. But it does suggest a slower approach to grazing fee reform.

Rangeland Reform '94: Besides revising the fee formula, the reform package proposed by Babbitt and Baca would discourage subleasing and unauthorized use of resources, replace ranchers-only grazing boards with broader citizen input, encourage conservative use of allotments and more progressive use of Range Improvement Funds, get tougher with grazing abusers, provide public title to range improvements and water rights, and above all, emphasize ecosystem management.

These are mostly welcome reforms, but Babbitt and Baca must acknowledge that they will increase costs to livestock producers just as the grazing fee is set to rise. Congress is wise to correspondingly readjust the target down from $4.28.

And again, a slower approach to grazing fee reform is indicated. The ranching economy needs sufficient time to adapt to all these changes.

Can ranchers afford a fair grading fee? Yes. Given adequate time, most ranchers and ranching communities will accommodate a fair fee. In fact, in the long run, they must.

Politically, the subsidy threatens the future of Western ranching. Worse, it cripples the Western spirit.

Paying a fair fee, ranchers can command America's respect. Better range management and greater accountability will further secure the future for public lands ranching.

Because they understand this, Bruce Babbit and Jim Baca are among the best friends ranchers have in Washington.

And indeed, anti-grazing groups are enraged. "Rangeland Reform '94" is not the "Cattle Free in '93" they wanted. Instead, they got Cow Galore in '94." One activist complained the plan "aims to preserve the small rancher at the expense of Federal rangelands." He was half right. The plan can benefit both ranching and the range.

But please, Messrs, Babbit and Baca, Western livestock economies need more time to adapt to all your reforms. Three years to fully implement a fair market fee is to fast. We need twice that.

And to please, reconsider Sen. Alan Simpson's suggestion to more gradually raise the fee over the rest of the decade. After all the current formula, source of $1.86 and our

present dilemma has been in place for 15 years. (originally passed by Congress in 1978, it was an experiment scheduled to end in 1985 but grazing reform fell victim to Washington gridlock.)

And in the end, does it all come down to money? The federal fee issue has festered too long. It has no quick or perfect solution, but let's get it settled least we lose sight of what matters most—people and the land.

Ranchers are good stewards of the public range and getting even better. At its best, Western ranching produces food and fiber from a mostly native and natural ecosystem while, at the same time, conserving myriad other economic, ecological, and esthetic values of the range.

Most important, the soul of the West is the soul of America. And the real West is both honest-to-God working cowboys and * * * saving wilderness. The West cannot afford to lose neither of these—no matter what the grazing fee.

[From the Salt Lake Tribune, Oct. 20, 1993]

RANCHERS SHOULD ACCEPT COMPROMISE AS BEST GRAZING DEAL THEY CAN GET

As compromises go, last week's House-Senate conference deal on grazing fees was hardly the most appealing for Western ranchers. But their representatives in the Senate would be wise to accept it as the best they can do, rather than expose their constituents to more stringent measures.

The compromise, approved in conference committee Thursday, basically splits the difference in grazing fees between Interior Secretary Bruce Babbitt's proposed $4.28 per animal unit month and Western senators' proposed $2.32. The deal calls for gazing fees to rise over a three-year period to $3.45 per AUM on the federal range, an 85 percent increase over the current $1.86 per AUM.

The grazing-fee compromise takes the form of an amendment to the Interior Department appropriations bill, which must pass both the Senate and the House. The Senate, where the greater strength of Westerners has been applied to block grazing-fee increases the last four years, could scuttle the compromise if Western Republicans are successful in their promised filibuster.

Western ranchers, many of whom claim they will be driven off the federal range by the higher grazing fees, surely find it heroic that their senators would resort to such a tactic to save them. But they ought to heed the compromise's broker, Sen. Harry Reid of Nevada, who claims that the killing of this deal would on impel Secretary Babbit to initiate his grazing reforms by fiat, as he originally intended to do.

Granted, Sen. Reid should have bargained for a lower fee than $3.45 per AUM within three years. It was obvious that the fee structure was the most negotiable item in Mr. Babbitt's proposal. As long as the administration was going to get its land-management reforms, which it did, the compromisers should have insisted on pushing the fees down to the more palatable neighborhood of $3 per AUM.

On the other hand, stockmen knew that grazing-fee increases were coming. They had already signed off on the 25 percent increase proposed by Western Sens. Malcolm Wallop of Wyoming and Ben Nighthorse Campbell of Colorado. And Sen. Pete Domenici, the New Mexico Republican making the loudest filibuster noises, was even willing to swallow the $3.45 fee—if it were phased in over six years instead of three. So the argument is really over how long to delay the inevitable.

It already has been delayed long enough. The grazing-fee debate has been a contentious one for the last four years, with the House firmly favoring a fee increase and the Senate blocking it. For the first time, some kind of middle ground between has been reached in conference committee. Now is the time to accept some resolution to this issue, rather than let it fester indefinitely.

While the grazing-fee increase is still higher than it needed to be, the land-management measures retained in conference are necessary to improve the stewardship of the federal rangeland. It has been Mr. Babbitt's considered contention that stewardship is a more critical issue than fees anyway.

In Washington, these issues are not settled by the Old West form of high noon confrontation; they are settled by compromise. And ranchers would be better off taking the compromise deal's 85 percent fee increase than risking the imposition of Mr. Babbitt's original 130 percent increase. More than that, by accepting the compromise, they will finally have put this nasty federal range war behind them.

[From the Reno Gazette-Journal, Oct. 20, 1993]

REID GRAZING COMPROMISE SHOULD BE PASSED

Sen. Harry Reid's grazing-reform compromise should be adopted by Congress.

While not perfect, it succeeds in updating the sadly outdated existing policy. Furthermore, it should put an end to the continual attack on public-lands ranching—an attack which could result in something far worse in a few years.

Reid anticipates a filibuster by some Western senators, but the Reid Amendment is probably as good as ranchers can get. If Congress passes no bill, then Bruce Babbitt's Interior Department will administratively raise the fees to $4.28 per animal unit per month, instead of the $3.45 in the Reid Amendment. And the rule changes will be even greater.

The leaders of a potential filibuster hope they can add amendments that will create a better deal for the ranchers, but this is not likely. The House appears adamant against any fees lower than those in the Reid plan. So it appears that ranchers have two choices, and the Reid Amendment is by far the better one.

The grazing fee should indeed be raised, and the other proposed changes should benefit a range that belongs to everyone.

The fees will still be far less than those on private land, which average $10. But the real clue as to how realistic these fees are is the rate charged by two Western states for grazing on their own public land. Reid notes that Wyoming just raised its fees to $3.50, while Idaho recently reduced its rates to $4, still well above Reid's $3.45.

A good portion of Nevada's range is grazed by very large operations, and these should certainly survive placed in financial jeopardy. Supporters of the compromise do not think so. But Congress and Interior should watch closely, and if the fees prove prohibitive, some alterations should be made.

As for the changes in operating procedures, most make sense. These include:

The BLM would consider a permittee's stewardship of the land when deciding how to allocate extra forage.

The Secretary of the Interior will develop standards for minimum conditions to protect riparian values and ensure healthy wildlife and fish habitat (i.e., the multiple uses of the range.)

Resource advisory councils will replace grazing advisory boards which are composed of grazing permittees. The new councils quite correctly will include a diverse group of interests, including wildlife managers, fishery experts, environmentalists and local business owners.

The BLM will collect a surcharge from ranchers when they sublease their permitted land.

The federal government will own water rights now yet given to anyone. This is as it should be. This is the public's water, and title should remain with the public.

Still questionable is the proposal to give the public sole ownership of improvements to the range, such as fences and wells. One would think these should be the property of the ranchers. But if this proposal is adopted, at the least the government should give ranchers full credit for the cost, in lower grazing fees or tax deductions.

All things considered, this is a good deal for ranchers.

[From the Denver Post, Oct. 14, 1993]

PACKAGE OF RANGE REFORMS IS A GOOD COMPROMISE

It wouldn't raise grazing fees nearly as much as Interior Secretary Bruce Babbitt initially proposed, but the package of range management reforms worked out by House and Senate negotiators last week would achieve most of the administration's on-the-ground goals.

Among other things, the compromise plan—due to come up to a conference committee vote Thursday—would oblige ranchers to meet certain minimum standards to protect the ecological health of lands they lease from the federal government, especially in riparian areas along streams.

In addition, while the measure wouldn't affect the lengths of leases, it would allow the U.S. Forest Service and Bureau of Land Management to cancel permits for violations of federal or state environmental laws.

The proposal also would transfer much of the power at the local level from the existing advisory boards, which are controlled largely by lessees themselves, to more diverse resource advisory councils, which would include wildlife managers, local business owners and environmentalists as well.

These and the other proposed changes should help enhance the condition of thousands of acres of public rangelands, mostly in the West, that have been routinely overgrazed for years.

The 85 percent hike in grazing fees—from the current $1.86 per cow and calf per month to $3.45 per month, to be phased in over three years—wouldn't bring in as much revenue as Babbitt's original proposal of $4.28. But it would give the taxpayers a better return than the 25 percent boost kicked around by the livestock industry, and would help close the gap between the price of public forage and the average of $10 per animal unit month now charged for grazing on private lands.

In sum, while the compromise wouldn't do everything the Clinton administration hoped, it would go a long way toward reining in the abuses these lands have suffered under for years. Congress should approve the reforms and put an end to this long-simmering debate.

NATIONAL WILDLIFE FEDERATION,
Washington, DC, October 21, 1993.

Members,
U.S. Senate,
Washington, DC.

DEAR SENATOR: When the Senate takes up the conference report on the Fiscal Year 1994 Interior and Related Agencies appropriations

bill, I expect several actions will be taken in an attempt to terminate the compromise grazing reform proposal recently developed by the House-Senate conference committee, known as the Reid compromise grazing amendment. The "Reid compromise" proposal will put an end to the years of debate and gridlock on how our public grazing lands will be managed.

The time has come to reform grazing management practices on public lands. The Reid compromise deserves your support.

The Reid compromise will enact new legislation to direct the Department of the Interior in the development of several important grazing reforms, including:

Creating new guidelines for rangeland management that recognize the many public uses of the rangelands;

Allowing permit holders to rest grazing lands to achieve conservation objectives, or due to short-term economic hardships;

Eliminating the single-user grazing advisory boards, and authorizing the creation of councils with representation from several user groups; and

Authorizing the use of grazing fee receipts for several rangeland restoration activities, including the restoration of critical riparian habitats on public lands.

The grazing fees that would be established by the Reid compromise would still be less than one-half of the prevailing private market rate. In addition, the Reid compromise puts a one year moratorium on any other changes to the Interior Department's livestock grazing program, despite the need to address inadequate public participation standards and correct outdated management practices on our public lands.

The National Wildlife Federation supports this compromise. There is a clear tradeoff between establishing a fair return to the public from the federal grazing fee, and ensuring stability in the grazing program through the adoption of new legislation to address important grazing reforms.

The compromise proposal is under attack by western Senators who are trying to preserve the status quo for a handful of ranchers that benefit from livestock grazing on the public lands. The status quo means that 2 percent of the Nation's livestock producers pay less than one-fifth of the prevailing market rate to graze on public lands, and millions of acres of public rangelands remain in degraded ecological condition, due to grazing mismanagement.

As the attached article from the Washington Post makes clear, the choice facing the Senate is a choice between the Reid compromise, and allowing Secretary Babbitt to move forward with range reform. A filibuster of the Interior and Related Agencies appropriations bill will not resolve the debate on the grazing issue. Instead, it will force the Congress to adopt another continuing resolution for the Interior Department and related agencies. The continuing resolution is likely to allow the Interior Department to continue in the development of the administrative reform proposal.

I urge you to support the Reid compromise. The public deserves a reasonable and timely resolution of this long-standing public lands issue.

Thank you for your attention to this very important matter.

Sincerely,

JAY D. HAIR.

[From the Washington Post, Oct. 16, 1993]

HIGHER BABBITT GRAZING FEES POSSIBLE, NEGOTIATORS SAY

The Clinton administration will impose a planned major increase in grazing fees for federal lands unless Congress accepts the smaller hike in a House-Senate compromise, negotiators said yesterday.

"There is no in-between," said Sen. Harry M. Reid (D-Nev.), the main author of the compromise who warned that one of two plans would become law.

The warning had little effect on western-led Senate opposition to the compromise and the administration plan. Sen. Pete V. Domenici (R-N.M.) wrote a letter signed by himself and 40 other senators that threatened a filibuster.

"We understand that a reasonable increase in the fee may be necessary, but we cannot accept the drastic changes in management requirements embodied" in the compromise, said the letter to Senate Majority Leader George J. Mitchell (D-Maine) and Appropriations Committee Chairman Robert C. Byrd (D-W.Va.).

A House-Senate conference committee voted 8 to 7 Thursday to accept the new language, which is part of the Interior Department spending bill for the fiscal year that began Oct. 1.

The compromise would increase monthly grazing fees from the current $1.86 per animal unit to $3.45 over three years, less than the $4.28 Interior Secretary Bruce Babbitt had sought in the administration's plan. An animal unit is equivalent to a cow and a calf or to five sheep.

Reid told a news conference, "If they want to filibuster, they have to understand they are filibustering to have the Babbitt plan in its entirety."

Babbitt's plan for higher fees and range reforms can become effective without congressional approval. Babbitt said he was "not eager" to accept the compromise, which he called "a significant step back."

He said the formal approval process for his plan is underway and would be completed in the spring. "I fully intend to move full speed ahead to implement the proposal we put out in August" unless the compromise passes, he said.

Rep. George Miller (D-Calif.), chairman of the House Committee on Natural Resources, said, "We know this compromise is the minimum the House will be willing to accept. This about as good as it gets."

The compromise retains most of the administration's proposed reforms, including giving the federal government all future water rights and rights to range improvements on public land, suspending for three years the permits of ranchers who do not meet environmental standards and levying a hefty surcharge on range permit holders who sublease the land for grazing.

LEAGUE OF CONSERVATION VOTERS,
October 21, 1993.

Re Interior Appropriations Conference Committee Grazing Reform Package.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: Since 1970, the League of Conservation Voters (LCV) has served as the nonpartisan, political arm of the national environmental community. Each year LCV publishes the National Environmental Scorecard, which details the voting records and other actions of Members of Congress on legislation which affects the quality and integrity of the natural environment. The Scorecard is distributed to LCV members and concerned voters nationwide.

Today, the Senate will consider the Conference Report to the Fiscal 1994 Interior Appropriations Bill (H.R. 2520). The Conference Report contains a bipartisan grazing compromise that includes a small fee increase and a number of long-overdue management reform measures. We strongly urge you to support the conference Committee's grazing compromise. Please vote for cloture to end the gridlock on gazing; and please oppose any amendments to weaken the Conference Committee's agreement.

The grazing compromise is not as strong or comprehensive as the Administration's range reform proposal released this past summer, but it does contain environmentally important provisions that will begin the restoration of our Nation's degraded public lands. The compromise also includes a very small fee increase. The new fee will still be far less than currently charged on private lands and less than the fee charged for grazing on State lands in almost every western state. Livestock operators, whether large or small, have nothing to fear from this bipartisan compromise. In fact, it will finally bring some certainty to the grazing reform issue. Several Senators have announced plans to filibuster the bill. This will stall reform.

LCV considers a vote for the reform of the federal grazing program to be an important vote for the environment and urges you to vote in support of the Interior Appropriation Conference Committee's Grazing Reform compromise. In 1992, LCV included grazing reform on its Scorecard.

Thank you for your careful consideration of this issue. If you need more information, please call Betsy Loyless of my office (785-8683) for the names of experts within the environmental community who can best address your questions.

Sincerely,

JIM MADDY,
President.

SOUTHERN UTAH WILDERNESS ALLIANCE,
Salt Lake City, UT, October 21, 1993.

END THE GRAZING GRIDLOCK—VOTE FOR CLOTURE

DEAR SENATOR: When the Senate considers the Conference Report for the Fiscal Year 1994 Interior Appropriations Bill (H.R. 2520), Senators Domenici, Campbell and others are threatening "not to close off debate on the bill" because of their objection to the bipartisan grazing compromise included in the Report.

The Southern Utah Wilderness Alliance urges you to vote for cloture to end the "anti-grazing reform" filibuster effort and vote against any other "anti-grazing reform" amendments.

The issue isn't grazing fees—it is gridlock. It isn't about the grazing reform language agreed to by the Conference Committee—it is whether Senators hostile to the proposed increase in grazing fees should be permitted to stymie efforts towards reform.

The Senate should support the efforts of their colleagues who serve on the Interior Appropriations Conference and vote for cloture.

Sincerely,

MIKE MATZ,
Executive Director.

CINDY SHOGAN,
Washington Representative.

U.S. PUBLIC INTEREST RESEARCH GROUP, NATIONAL ASSOCIATION OF STATE PIRGS,
Washington, DC, October 21, 1993.

END CONGRESSIONAL GRIDLOCK ON RANGELAND REFORM, VOTE FOR CLOTURE ON THE INTERIOR APPROPRIATIONS BILL

DEAR SENATOR: On behalf of our one million members around the country who want

a sound economy and a clean environment, we urge you to vote for cloture on the Interior Appropriations bill when it goes to the Senate floor.

Apparently, Senator Domenici wishes to perpetuate the Congressional gridlock on grazing on public lands, and has threatened to filibuster the Interior Appropriations bill. Currently, over two-thirds of our federally-owned rangelands are seriously over-grazed and eroded, a monument to Congressional gridlock.

U.S. PIRG is deeply disappointed in the "compromise" reform provisions proposed by Senator Reid (D-NV). The fee increase of $3.45 over three years does not cover the costs of administering the programs, and the provisions do not include fair public participation in rangeland decisions. Nonetheless, even this weak compromise is better than continued gridlock. We urge you to vote for cloture on the Interior Appropriations bill. End the gridlock on federal rangeland reform.

Sincerely,

ANNA AURILIO,
Staff Scientist.

Mr. REID. Mr. President, my friends say that gridlock in the Senate is OK for them. I say it is not. It is not good for the American people. We should put it aside.

They say, well, we do not want gridlock in the Senate; they want it in the courts. Now we hear people saying, if we cannot get enough gridlock here in the Senate, we want to go to court.

I say everyone here should recognize if the Reid compromise does not pass, the ranching families of the State of Nevada and all over the West will get a $4.28 grazing fee, plus a 25-percent increase, plus a higher base. The fees will go up dramatically under that proposal and not under my proposal.

Who will suffer the most? The small family ranchers, who those in this Chamber purport to protect. All they are protecting are the rich ranchers, those with money who can afford to go to court. The small ranchers cannot go to court. They will stand around and wait and see what happens while the rich guys take care of it all.

This filibuster is a disservice to taxpayers and the country, but more importantly to the West and ranching families.

My friend from Montana said there must be an in between. This is the in between. There is no other. We take this proposal or take what Babbitt has to offer.

If this compromise is rejected, only the wealthiest will benefit; Secretary Babbitt's proposal will go forward.

I want to remind this Chamber one last time that the House of Representatives, an equal body to this, spoke on a bipartisan basis. The House will accept no less. We may not like it. I do not particularly like it. That is a fact of life. We must listen and listen to the people of the West, the people of this country, the taxpayers, and be concerned about them.

The National Taxpayers Union supports this Reid compromise. This is not a Reid-Babbitt proposal. It was a proposal that was negotiated in good faith. We did the best we could.

I think that it is important that we reject gridlock, and we do it now. I ask them to reject the demagogery that comes from those who represent a West that no longer exists.

I yield back the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. The time for debate under the unanimous-consent agreement having expired or been yielded back, 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 the conference report accompanying H.R. 2520, the Interior Appropriations bill:

Robert C. Byrd, Wendell Ford, Harry Reid, Claiborne Pell, Russell D. Feingold, J. Lieberman, Paul Simon, Patty Murray, Pat Leahy, D. Pryor, Ernest Hollings, Harris Wofford, Barbara Boxer, Edward Kennedy, Paul Sarbanes, Joe Biden, D. Inouye.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that the debate on the conference report accompanying H.R. 2520, the Interior appropriations bill, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from North Carolina [Mr. HELMS], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Mississippi [Mr. LOTT] are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 41, as follows:

[Rollcall Vote No. 326 Leg.]

YEAS—53

Akaka	Bumpers	Exon
Biden	Byrd	Feingold
Boren	Chafee	Feinstein
Boxer	Cohen	Ford
Bradley	Daschle	Glenn
Breaux	DeConcini	Graham
Bryan	Dodd	Harkin
Heflin	Lieberman	Reid
Hollings	Mathews	Riegle
Inouye	Metzenbaum	Robb
Johnston	Mikulski	Rockefeller
Kennedy	Mitchell	Sarbanes
Kerrey	Moseley-Braun	Sasser
Kerry	Moynihan	Shelby
Kohl	Murray	Simon
Lautenberg	Nunn	Wellstone
Leahy	Pell	Wofford
Levin	Pryor	

NAYS—41

Baucus	Dorgan	McConnell
Bennett	Faircloth	Murkowski
Bingaman	Gorton	Nickles
Bond	Gramm	Packwood
Brown	Grassley	Pressler
Burns	Gregg	Roth
Campbell	Hatch	Simpson
Coats	Hatfield	Smith
Cochran	Hutchison	Specter
Conrad	Kassebaum	Stevens
Coverdell	Kempthorne	Thurmond
Craig	Lugar	Wallop
Danforth	Mack	Warner
Domenici	McCain	

NOT VOTING—6

D'Amato	Durenberger	Jeffords
Dole	Helms	Lott

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 53, the nays are 41. Three-fifths of the Senate duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from West Virginia.

CLOTURE MOTION

Mr. BYRD. Mr. President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the unresigned 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 the conference report accompanying H.R. 2520, the Interior appropriations bill.

Robert C. Byrd, Wendell Ford, Harry Reid, Claiborne Pell, Russell D. Feingold, J. Lieberman, Paul Simon, Patty Murray, Pat Leahy, D. Pryor, Fritz Hollings, Harris Wofford, Barbara Boxer, Edward M. Kennedy, Paul Sarbanes, Joe Biden, Dan Inouye.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

RESOLUTION TO ENFORCE COMPLIANCE

Mr. BRYAN. Mr. President, I want to report to the Senate, on behalf of Senator MCCONNELL and myself, as the

chairman and the vice chairman respectively of the Senate Ethics Committee, that today by unanimous vote, the Senate Ethics Committee adopted a resolution to enforce compliance with the issuance of a subpoena in the Packwood matter that is pending before the Ethics Committee.

I yield the floor.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Item Nos. 423, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 471, 473, 474 and 478.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

Nora Slatkin, of Maryland, to be an Assistant Secretary of the Navy.

LEGAL SERVICES CORPORATION

Hulett Hall Askew, of Georgia, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1995.

Laveeda Morgan Battle, of Alabama, to be a member of the Board of Director of the Legal Services Corporation for a term expiring July 13, 1995.

John G. Brooks, of Massachusetts, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1995.

Nancy Hardin Rogers, of Ohio, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1995.

Douglas S. Eakeley, of New Jersey, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1996.

F. William McCalpin, of Missouri, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1996.

Maria Luisa Mercado, of Texas, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1996.

Thomas F. Smegal, Jr., of California, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1996.

John T. Broderick, Jr., of New Hampshire, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1996.

Edna Fairbanks-Williams, of Vermont, to be a Member of the Board of Directors of the Legal Services Corporation for the term expiring July 13, 1995.

Ernestine P. Watlington, of Pennsylvania, to be a Member of the Board of Directors of the Legal Services Corporation for the term expiring July 13, 1996.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

William J. Gilmartin, of Pennsylvania, to be an Assistant Secretary of Housing and Urban Development.

DEPARTMENT OF COMMERCE

John Despres, of the District of Columbia, to be an Assistant Secretary of Commerce.

SMALL BUSINESS ADMINISTRATION

Cassandra M. Pulley, of the District of Columbia, to be Deputy Administrator of the Small Business Administration.

FEDERAL MEDIATION AND CONCILIATION SERVICE

John Calhoun Wells, of Texas, to be Federal Mediation and Conciliation Director.

TREATY WITH THE REPUBLIC OF KAZAKHSTAN CONCERNING THE RECIPROCAL ENCOURAGEMENT AND PROTECTION OF INVESTMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to Executive Calendar No. 6, a Treaty with the Republic of Kazakhstan Concerning the Reciprocal Encouragement and Protection of Investment; that the treaty be considered as having been advanced through the various parliamentary stages, up to and including the presentation of the resolution of ratification; that no amendments, understandings, conditions, declarations, provisos, or reservations be in order; that any statements appear in the RECORD as if read; that the Senate vote on the ratification of resolution without any intervening action or debate; that after the vote, the motion to consider the vote be tabled; that the President be immediately informed of the Senate's action; and that the Senate return to legislative session.

Mr. President, I ask for a division vote.

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

A division has been requested.

Senators in favor of the resolution of ratification will rise and stand until counted. [After a pause.] Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

So it was resolved, (two-thirds of the Senators present concurring therein), that the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Republic of Kazakhstan Concerning the Reciprocal Encouragement and Protection of Investment, signed at Washington on May 19, 1992.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now return to legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting two treaties and sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE AGREEMENT WITH THE POLISH PEOPLE'S REPUBLIC RELATIVE TO FISHERIES—MESSAGE FROM THE PRESIDENT—PM 58

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to title 16, United States Code, section 1823(b), to the Committee on Commerce, Science, and Transportation, and to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 904-265; 16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Poland Extending the Agreement of August 1, 1985, Concerning Fisheries off the Coasts of the United States. The agreement which was effected by an exchange of notes at Washington June 8 and July 29, 1993, extends the 1985 agreement for an additional 2 years, from December 31, 1993, to December 31, 1995. The exchange of notes together with the 1985 agreement constitute a governing international fishery agreement within the requirements of section 201(c) of the Act.

I urge that the Congress give favorable consideration to this agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 21, 1993.*

MESSAGES FROM THE HOUSE

At 12:41 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2520) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 27, 41, 42, 43, 49, 50, 51, 54, 67, 76, 82, 95, 101, and 111 to the bill and agrees thereto; and the House recedes from its disagreement to the amendments of the Senate numbered 1, 2, 4, 10, 12, 18, 23, 24, 38, 39, 62, 69, 71, 72, 73, 74, 75, 77, 81, 84, 90, 100, 102, 118, 210, 120, 121, 123, and 125 to the bill, and has agreed thereto, each with an amendment, in which it requests the concurrence of the Senate; that the House insists upon its disagreement to the amendment of the Senate numbered 124 to the bill.

At 1:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 281. Joint Resolution making further continuing appropriations for the fiscal year 1994, and for other purposes.

At 4:16 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on 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 purposes; it recedes from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 12, 13, 14, 21, 23, 26, 56, 122, 149, 154, 155, and 172 to the bill and agrees thereto; and the House recedes from its disagreement to the amendments of the Senate numbered 8, 9, 10, 11, 15, 16, 17, 29, 33, 35, 36, 45, 46, 47, 53, 54, 60, 70, 73, 74, 88, 92, 93, 106, 124, 125, 127, 128, 133, 134, 140, 142, 143, 150, 158, 159, 163, 175, 176, 177, 180, 182, 185, and 186 to the bill, and has agreed thereto, each with an amendment, in which it requests the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED

At 10:18 p.m, a message from the House of Representatives, delivered by Mr. Dendy, an assistant to the Clerk, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 281. Joint resolution making further continuing appropriations for the fiscal year 1994, and for other purposes.

The enrolled joint resolution was subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and ordered placed on the calendar:

H.R. 3167. An act to extend the emergency unemployment compensation program, to establish a system of worker profiling, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on October 20, 1993, he had presented to the President of the United States, the following enrolled bills and joint resolutions:

S. 1487. An act entitled the "Middle East Peace Facilitation Act of 1993."

S. 1548. An act to amend the National Wool Act of 1954 to reduce the subsidies that wool and mohair producers receive for the 1994 and 1995 marketing years and to eliminate the wool and mohair programs for the 1996 and subsequent marketing years, and for other purposes.

S.J. Res. 78. Joint resolution designating the beach at 53 degrees 53'51"N, 166 degrees 34'15"W to 53'48"N, 166 degrees 34'21"W on Hog Island, which lies in the Northeast Bay Unalaska, Alaska, as "Arkansas Beach" in commemoration of the 206th regiment of the National Guard, who served during the Japanese attack on Dutch Harbor, Unalaska, on June 3, and 4, 1942.

S.J. Res. 21. Joint resolution designating the week beginning September 19, 1994 as "National Historically Black Colleges and Universities Week."

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-1661. A communication from the President of the United States, transmitting a report, consistent with the War Powers Act, relative to the implementation of the petroleum and arms embargo of Haiti; to the Committee on Foreign Relations.

EC-1662. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to authorize a retroactive waiver of the survivability and lethality testing procedures that apply to the F-22 program; to the Committee on Armed Services.

EC-1663. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, a notice relative to the Ballistic Missile Defense Program; to the Committee on Armed Services.

EC-1664. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, notice relative to a transaction involving United States exports to Mexico; to the Committee on Banking, Housing and Urban Affairs.

EC-1665. A communication from the Acting Assistant Secretary (Civil Works), Department of the Army, transmitting, pursuant to law, the report of the Priority Project List; to the Committee on Environment and Public Works.

EC-1666. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, notice of a Presidential Determination relative to Ireland; to the Committee on Foreign Relations.

EC-1667. A communication from the Chief Financial Officer of the Export-Import Bank, transmitting, pursuant to law, a report of the Bank's financial records for fiscal year 1992; to the Committee on Governmental Affairs.

EC-1668. A communication from the Executive Officer of the National Science Board, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1992; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 656. A bill to provide for indoor air pollution abatement, including indoor radon abatement, and for other purposes (Rept. No. 103-161).

By Mr. BAUCUS, from the Committee on Environment and Public Works, without amendment:

H.R. 1345. A bill to designate the Federal building located at 280 South First Street in San Jose, California, as the "Robert F. Peckham United States Courthouse and Federal Building" (Rept. No. 103-162).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S.J. Res. 41. A joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget (Rept. No. 103-163).

By Mr. BRYAN, from the Select Committee on Ethics, without amendment and with a preamble:

S. Res. 153. An original resolution to comply with the issuance of a subpoena (Rept. No. 103-164).

By Mr. BAUCUS, from the Committee on Environment and Public Works, without amendment:

H.R. 2824. A bill to modify the project for flood control, James River Basin, Richmond, Virginia.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

John J. Hamre, of South Dakota, to be Comptroller of the Department of Defense

(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.)

IN THE AIR FORCE

The following named officer for appointment to the grade of lieutenant general on

the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. John B. Conaway, [redacted] U.S. Air Force.

The following named officers for appointment in the U.S. Air Force to the grade of brigadier general under the provisions of title 10, United States Code, section 624:

To be brigadier general

Col. Andrew M. Egeland, Jr. [redacted] Regular Air Force.

Col. William M. Guth, [redacted] Regular 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

Col. (B.G. sel) Andrew M. Egeland, Jr., 231-56-1475, U.S. Air Force.

The following named officer for promotion in the U.S. Air Force, under the appropriate provisions of section 624, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force:

JUDGE ADVOCATE

To be colonel

Charles J. Dunlap. Jr. [redacted]

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of February 18, September 22, and October 4, 1993, at the end of the Senate proceedings.)

*In the Navy there are three promotions to the grade of rear admiral (list begins with Richard Ira Ridenour) (Reference No. 218)

*In the Navy there are 17 promotions to the grade of rear admiral (list begins with Lloyd Edward Allen, Jr.) (Reference No. 258)

*In the Army Reserve there are 28 appointments to the grade of major general and below (list begins with Fred H. Casey) (Reference No. 470)

*Lieutenant General Gordon E. Fornell, USAF to be placed on the retired list in the grade of lieutenant general (Reference No. 497)

*Rear Admiral Robert J. Spane, USN to be vice admiral (Reference No. 528)

*Major General Charles E. Franklin, USAF to be lieutenant general (Reference No. 611)

*Colonel William C. Bilo, ARNG to be brigadier general (Reference No. 616)

*Lieutenant General Richard E. Hawley, USAF for reappointment to the grade of lieutenant general (Reference No. 644)

*Major General Richard B. Myers, USAF to be lieutenant general (Reference No. 645)

*Lieutenant General Horace G. Taylor, USA to be placed on the retired list in the grade of lieutenant general (Reference No. 646)

*Major General Paul E. Funk, USA to be lieutenant general (Reference No. 647)

**In the Air Force Reserve there are 808 promotions to the grade of lieutenant colonel (list begins with Joan M. Abelman) (Reference No. 666)

**In the Air Force there are 140 appointments to the grade of second lieutenant (list begins with Linden C. Adams) (Reference No. 667)

**In the Army Reserve there are 849 promotions to the grade of lieutenant colonel (list begins with Mary E. Abt) (Reference No. 668)

**In the Navy there are 329 promotions to the grade of captain (list begins with Steven James Ahlberg) (Reference No. 669)

**In the Navy there are 203 promotions to the grade of captain (list begins with Gregory Hugh Adkisson) (Reference No. 670)

**In the Navy there are 542 promotions to the grade of commander (list begins with Dave Ray Adamson) (Reference No. 671)

**In the Navy there are 504 promotions to the grade of commander (list begins with Michael Hunte Anderson) (Reference No. 672)

**In the Navy there are 1,202 promotions to the grade of lieutenant commander (list begins with Wayne Thomas Aaberg) (Reference No. 673)

**In the Navy there are 867 promotions to the grade of lieutenant commander (list begins with Robert A. Alonso) (Reference No. 674)

**In the Air Force Reserve there are 21 promotions to the grade of lieutenant colonel (list begins with Eleanor W. Bailey) (Reference No. 701)

**In the Army there are four promotions to the grade of lieutenant colonel and below (list begins with Richard S. Park) (Reference No. 702)

**In the Army there are 181 promotions to the grade of lieutenant colonel (list begins with George L. Adams) (Reference No. 704)

*Brigadier General Donald W. Shepperd, ANG to be major general (Reference No. 722)

*In the Air Force Reserve there are 16 appointments to the grade of major general and below (list begins with Alan T. Reid) (Reference No. 723)

*Lieutenant General William G. Pagonis, USA to be placed on the retired list in the grade of lieutenant general (Reference No. 738)

Total: 5,724.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COATS (for himself, Mrs. HUTCHISON, Mr. LOTT, Mr. CRAIG, Mr. MACK, Mr. NICKLES, Mr. BURNS, Mr. GRAMM, Mr. BENNETT, and Mr. MCCAIN):

S. 1576. A bill to provide a tax credit for families, to provide certain tax incentives to encourage investment and increase savings, and to place limitations on the growth of spending; to the Committee on Finance.

By Mr. HELMS:

S. 1577. A bill to amend title II of the Social Security Act to prohibit the payment of benefits to any individual confined to a public institution pursuant to court order based on a verdict that the individual is guilty of a criminal offense, but insane, or not guilty of such an offense by reason of insanity, and for other purposes; to the Committee on Finance.

By Mr. WARNER:

S. 1578. To make technical corrections to Section 504 of the National Security Act of 1947 and to conform law and practice with respect to use of certain funds for intelligence activities; to the Select Committee on Intelligence.

By Mr. BREAUX (for himself, Mr. DURENBERGER, Mr. LIEBERMAN, and Mr. NUNN):

S. 1579. A bill to contain health care costs and improve access to health care through accountable health plans and managed competition, and for other purposes; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. D'AMATO):

S. 1580. A bill to provide that the Employee Retirement Income Security Act of 1974 does not preempt certain State laws, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BRYAN:

S. Res. 153. An original resolution to comply with the issuance of a subpoena; from the Select Committee on Ethics; placed on the calendar.

By Mr. PELL (for himself, Mr. HELMS, Mr. MOYNIHAN, and Mr. BROWN):

S. Res. 154. A resolution to welcome the holding of democratic elections in Pakistan, to congratulate Prime Minister Benazir Bhutto on the occasion of her swearing-in, and for other purposes; to the Committee on Foreign Relations.

By Mr. DECONCINI:

S. Con. Res. 48. A concurrent resolution to correct technical errors in the enrollment of the bill (H.R. 2403), and for other purposes; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELMS:

S. 1577. A bill to amend title II of the Social Security Act to prohibit the payment of benefits to any individual confined to a public institution pursuant to court order based on a verdict that the individual is guilty of a criminal offense, but insane, or not guilty of such an offense by reason of insanity, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY DISABILITY BENEFITS LEGISLATION

Mr. HELMS. Mr. President, today I introduce legislation to stop murderers and other criminals who have been declared insane from collecting millions of dollars in Social Security disability benefits.

Mr. President, I offered this legislation as an amendment to the Labor, HHS appropriations bill; the Senate approved it, 94 to 4. But when the bill was sent to conference, this commonsense amendment was dropped by the House conferees—and the Senate conferees did little or nothing to defend an obviously sensible amendment. Among

other things, this illustrates the difficulty in cutting Federal spending and reducing the Federal deficit. Congress talks a good game—but it does little or nothing to cut Federal spending.

Mr. President, I received a letter from a constituent of mine, John Sisson, that says it all:

DEAR SENATOR HELMS: The old saying "crime doesn't pay" is no longer true and I hope you will do all you can to reverse this trend. On September 21, 1993, the News and Observer in Raleigh carried a headline on page 3A which read "Insane Killer's Federal Checks Challenged." The article reports on Michael Charles Hayes who is incarcerated for killing 4 people in North Carolina. Mr. Hayes receives $536 a month from Social Security while he is incarcerated because he is "Disabled" by reason of insanity.

While incarcerated in Dorthea Dix Hospital he has purchased a motorcycle, two leather jackets worth $300 a piece, a wardrobe of 40 knit shirts and television sets and VCR's. The irony is that he became disabled when a jury found him insane.

Here is a loophole that should be immediately stopped. If nothing else, the deficit would be reduced by $536 a month. The Social Security is quoted as saying they don't know how much is spent in disability to those incarcerated and under State care. They estimate $48 million every 5 years could be saved on such payments. What makes it worse is that there is no compensation for the victim's families, although the paper says a civil suit was filed against Mr. Hayes and that is what brought his spending habits to the attention of the press.

Please do what you can to: (1) Stop Mr. Hayes' payments. (2) Close the deficit spending by removing disability pay for all who are criminally insane and incarcerated.

Thank you for listening. Above all, we must reduce this deficit spending.

Sincerely,

JOHN W. SISSON, Jr.

Mr. President, this is outrageous. The killer is found to be insane and he goes on a shopping spree at the taxpayers' expense. Families of the victims mourn the loss of their loved ones and see the killer use their tax dollars to buy VCR's and TV sets and other luxuries that the citizens paying the taxes can't afford.

In this specific case, here's what happened: Five years ago, in Winston-Salem, Michael Hayes walked up to several cars as they were passing by and shot nine people. Four of the nine died—killed in cold blood. Mr. Hayes was found to be insane by the court and sentenced to a mental institution where he promptly filed for Social Security disability benefits.

Mr. President, Hayes now collects $536 a month from the Federal Government. According to Mr. Nicholson, the father of one of the victims, Hayes is living in hog heaven. I think Mr. Nicholson gave the best description of this injustice when he appeared before a House subcommittee. He said:

The inventory of Hayes' personal property filled nine pages, with twenty items on each sheet. The hospital had been forced to provide him with additional storage area.

He had four jackets, two full-length leather coats, all purchased with his Social Security disability benefits * * *. He had two television sets, two VCR's, an elaborate stereo system, * * * a microwave oven and walkie-talkies, with which he and his girlfriend, a fellow patient, communicated during the day.

Press accounts say that the killer, Charles Hayes, bought a motorcycle.

Mr. President, this is happening all across the Nation. For example, in New Jersey, Herbert Olsen tried to kill his parents. He was found to be insane and he collected $8,646 in retroactive disability payments and began receiving $678 a month thereafter. Then Olsen escaped and went to New York to buy drugs—subsidized by you know whom, the American taxpayers.

Taxpayer-subsidized shopping sprees by insane criminals, using the taxpayers' money should not be permitted. My legislation will put an end to this abuse and will save the taxpayers $10 million a year.

Mr. President, Congressman JACOBS introduced a bill on the House side to stop disability payments to an individual where a court finds the person to be innocent of an offense by reason of insanity.

As Congressman JACOBS stated, Social Security disability is intended "to provide food and shelter" for the disabled. Persons in mental institutions already are receiving food and shelter—they shouldn't be allowed to double-dip into the taxpayer's pocket.

Mr. President, this is not a novel concept. The law already prohibits such payments to convicted criminals who are in jail. This legislation merely expands the current law to apply it to the criminally insane, and will save the taxpayers $10 million a year.

By Mr. WARNER:

S. 1578. To make technical corrections to section 504 of the National Security Act of 1947 and to conform law and practice with respect to use of certain funds for intelligence activities; to the Select Committee on Intelligence.

INTELLIGENCE AUTHORIZATION PROCESS ADJUSTMENT ACT

Mr. WARNER. Mr. President, I am today introducing the Intelligence Authorization Process Adjustment Act (S. 1578). Enactment of the bill will help ensure compliance with law in the conduct of intelligence activities, ensure appropriate executive branch flexibility, and protect Congress' power of the purse.

The Select Committee on Intelligence had considered seeking to attach this legislation to the Intelligence Authorization Act for fiscal year 1994 (S. 1301) during consideration of that bill on the Senate floor. However, there was insufficient time to work out the legislation with all interested parties. Expeditious enactment of the Intelligence Authorization Process Adjustment Act is important, because of the need to provide adequate flexibility to the executive branch in funding intelligence activities, while preserving Congress' power of the purse and ensuring compliance with the law in the conduct of intelligence activities.

The bill provides a proper legal basis for longstanding past practices of the executive and legislative branches with respect to the use of funds appropriated for intelligence and intelligence-related activities for which there is no matching statutory authorization. The bill amends section 504 of the National Security Act of 1947 to accomplish this goal.

BACKGROUND ON SECTION 504 OF THE NATIONAL SECURITY ACT

As part of the Intelligence Authorization Act for fiscal year 1986, Congress enacted section 504 (then numbered section 502) of the National Security Act of 1947 to govern the funding of intelligence activities. Section 504 allows obligation and expenditure of appropriated funds for intelligence activities only in three situations, as follows:

First, the appropriated funds may be used for an intelligence or intelligence-related activity when such use of the funds for the activity has been specifically authorized by the Congress, a phrase defined in the statute. To qualify for obligation and expenditure for an intelligence or intelligence-related activity under this provision of section 504, the funds must have been appropriated by law for the intelligence or intelligence-related activity and must have been specifically authorized by law to be appropriated for that activity.

Second, the appropriated funds may be used for an intelligence or intelligence-related activity when the funds involved are funds appropriated for the CIA reserve for contingencies and the congressional Intelligence and Appropriations Committees have been notified. The longstanding customs and procedures observed by the Director of Central Intelligence and the Intelligence Committees with respect to notifications of releases from the reserve for contingencies generally do not contemplate action by the committees in response to the notification.

Third, the appropriated funds may be used for an intelligence or intelligence-related activity if they were specifically authorized by Congress for a different activity and the activity for which they are instead proposed to be used is of higher priority, is based on unforeseen requirements, and the congressional Intelligence and Appropriations Committees are notified. The longstanding customs and procedures observed by the executive branch and the intelligence committees with respect to such notifications contemplates action by the committees in response to the notification in many circumstances. Thus, although the relevant provision of section 504 speaks in terms of notification, it is understood as a matter of comity between the executive and legislative branches that

the concurrence of the intelligence committees of Congress will be obtained before certain proposed transactions go forward.

This description of the understandings and practices in implementing section 504 is intended to be just that—a description of understandings and practices that already exist. This description is in no way intended to try to modify them or to displace the years of legislative history, exchanged correspondence, and customs observed that have yielded these practices and understandings.

THE PROBLEM: DIFFERENCE BETWEEN LAW AND PRACTICE

While the understandings and practices with respect to funding of intelligence activities are important, they are, of course, subordinate to the law. When there is any conflict between the understandings and practices on the one hand and the law of the land on the other, the law governs and must be followed.

Section 504(a)(1) of the National Security Act allows use of funds for an intelligence or intelligence-related activity when the funds have been both appropriated by law for the activity and authorized by law to be appropriated for the activity. Situations have arisen since enactment of section 504 (then numbered Section 502) in 1985 in which laws passed by Congress have appropriated funds for an intelligence activity in excess of or in the absence of amounts authorized by law to be appropriated for that activity. In some such situations, the Director of Central Intelligence has asked for the intelligence committees' concurrence in a proposal to spend the appropriations in excess of or in the absence of authorization. When the intelligence committees have concurred, the Director has treated the two-committee concurrence as satisfying the requirement of Section 504(a)(1) that the funds have been specifically authorized by the Congress, as defined in section 504(e), for the activity.

A similar situation arises in the case of reprogrammings and transfers of funds under section 504(a)(3) when the funds proposed to be reprogrammed or transferred are funds that were appropriated for an intelligence or intelligence-related activity, but the funds were never "specifically authorized by the Congress," as defined in section 504(e), for the activity. When proposals to take funds appropriated but not authorized for one activity and use them for a different activity occurred, the Director of Central Intelligence treated the concurrence of the two intelligence committees as satisfying the requirement in section 504(a)(3) of the National Security Act that funds taken for a reprogramming or transfer under Section 504(a)(3) have been initially "specifically authorized by the Congress," as defined in section 504(e), for some activity.

Thus, Directors of Central Intelligence followed a longstanding practice in implementing section 504 that treated concurrence by the two intelligence committees in a funding action as the functional equivalent of an authorization statute. However, the references in section 504 (a)(1) and (a)(3) to "specifically authorized by the Congress" require the enactment of a statute authorizing appropriations—not mere committee concurrence. There is no basis for concluding that anyone had anything other than good intentions in the past practice, and the bill will conform the law to the past practice, with the intention, among others, of ensuring that officials, including those who have certified vouchers and disbursed funds in reliance on that past practice, are protected.

WHAT "SPECIFICALLY AUTHORIZED BY CONGRESS" MEANS IN SECTION 504

In the early 1980's, Congress grappled with the question of how to ensure effective congressional control of the public purse for intelligence activities, while ensuring sufficient flexibility for the executive branch in funding such activities.

In the Intelligence Authorization Act for fiscal year 1981 (Public Law 96–450), Congress included a provision stating that:

During fiscal year 1981, funds may not be obligated or expended for any program for which funds are authorized to be appropriated in section 101 in an amount in excess of the amount specified for that program in the classified Schedule of Authorizations described in section 102 unless the Director of Central Intelligence or the Secretary of Defense notifies the appropriate committees of Congress of the intent to make such obligation or expenditure not less than fifteen days before such obligation or expenditure is made.

Under this statutory language, funds could be used in fiscal year 1981 for an intelligence or intelligence-related activity in excess of the amounts authorized by the Intelligence Authorization Act for fiscal year 1981 for that activity after notice to the appropriate committees of Congress. It was the understanding of both the executive and legislative branches that the executive branch would not proceed in the face of an objection by the intelligence committees after they received the statutory notice.

The annual intelligence authorization acts then included a series of progressively more complex provisions that ended with enactment of section 502 of the National Security Act, since modified and renumbered Section 504. In the Intelligence Authorization Act for fiscal year 1982 (Public Law 97–89), Congress included a modified version of the previous fiscal year's provision that now addressed switching funds from one activity to another and referred generally to "specifically authorized" funds rather than tying it to the classified Schedule of Authorization incorporated in the act:

During fiscal year 1982, funds may not be made available for any activity for which funds are authorized to be appropriated by this Act unless such funds have been specifically authorized for such activity or, in the case of funds appropriated for a different activity, unless the Director of Central Intelligence or the Secretary of Defense has notified the appropriate committee of Congress of the intent to make such funds available for such activity.

The Intelligence Authorization Act for fiscal year 1983 (Public Law 97–269) repeated the provision from the fiscal year 1982 act, but the following new version of the provision, adding reprogramming and transfer standards and addressing previous denials of funding, was incorporated in the Intelligence Authorization Act for fiscal year 1984 (Public Law 98–215):

During fiscal year 1984, funds may not be made available for any intelligence or intelligence-related activity unless such funds have been specifically authorized for such activity, or, in the case of funds appropriated for a different activity, unless the Director of Central Intelligence or the Secretary of Defense has notified the appropriate committees of Congress of the intent to make such funds available for such activity, except that, in no case may reprogramming or transfer authority be used by the Director of Central Intelligence or the Secretary of Defense unless for higher priority intelligence or intelligence-related activities, based on unforeseen requirements, than those for which funds were originally authorized, and in no case where the intelligence or intelligence-related activity for which funds were requested has been denied by Congress.

The Intelligence Authorization Act for fiscal year 1985 (Public Law 98–618) repeated the previous year's provision. The Intelligence Authorization Act for fiscal year 1986 (Public Law 99–169) enacted section 502 of the National Security Act, which has since been modified and renumbered section 504.

Section 504(a)(1) allows use appropriations for an intelligence or intelligence-related activity when those funds were "specifically authorized by the Congress" for use for such activities. Section 504(a)(3) allows use for an intelligence or intelligence-related activity of appropriations "specifically authorized by the Congress" for a different activity after notification to the intelligence and appropriations committees of Congress.

Section 504(e)(3) defines "specifically authorized by the Congress" as meaning:

(A) the activity and the amount of funds proposed to be used for that activity were identified in a formal budget request to the Congress, but funds shall be deemed to be specifically authorized for that activity only to the extent that the Congress both authorized the funds to be appropriated for that activity and appropriated the funds for that activity; or

(B) although funds were not formally requested, the Congress both specifically authorized that appropriation of the funds for the activity and appropriated the funds for that activity.

Paragraph 504(e)(3)(A) requires among other things that "Congress

* * * authorized the funds to be appropriated for that activity.* * *" Paragraph 504(e)(3)(B) requires among other things that "Congress * * * specifically authorized the appropriation of the funds for the activity. * * *" Thus, to fall within the scope of the phrase "specifically authorized by the Congress" used in Sections 504(a) (1) and (3), Congress must have authorized the appropriation of funds for an activity.

It was apparently the custom under the annual provisions enacted for fiscal years 1981 through 1985 to treat the concurrence of the two intelligence committees as satisfying whatever authorization requirements those annual statutes imposed. The Supreme Court's opinion in *Immigration and Naturalization Service* v. *Chadha*, 462 U.S. 919 (1983), the legislative veto case, was issued in the middle of this series of changes in the annual intelligence authorization acts.

As Chadha makes clear, aside from several special cases—Senate consent to nominations, Senate consent to treaties, impeachment and trial of impeachment, resolutions proposing constitutional amendments, and the internal functioning of the two Houses of Congress—the Congress takes actions of binding legal force only in one way: by both Houses passing bills or resolutions in identical form that are presented to the President and become law in the prescribed constitutional mode. Actions by the two intelligence committees of the Congress, however important they surely are as a matter of comity, practice, and politics between the executive and legislative branches, can have no legal effect in and of themselves. No law can invest in the two intelligence committees the power as a matter of law to allow by their concurrence or disallow by their nonconcurrence the obligation or expenditure of appropriated funds by the executive branch. A law that did so would be unconstitutional under the principles enunciated by the Supreme Court in Chadha.

Statutes are construed whenever possible to avoid constitutional infirmity; thus section 504 may not be construed as enacting a regime by which as a matter of law the two intelligence committees of the Congress can authorize the appropriation of funds, such as the authorization required by law for the obligation and expenditure of funds for intelligence and intelligence-related activities under section 504(a) (1) and (3) of the National Security Act. Accordingly, the requirements established by sections 504(e)(3) (A) and (B), (a)(1) and (a)(3) that Congress have authorized the appropriation of funds can be satisfied only by enactment of a law that authorizes the appropriation of the funds.

In construing statutes, the texts of those statutes are the strongest and clearest expression of what Congress understood and intended with those statutes. The provisions now numbered section 504(a)(1) and 504(a)(3) of the National Security Act were originally enacted as Section 502(a)(1) and 502(a)(3) of that Act by section 401(a) of the Intelligence Authorization Act for Fiscal Year 1986 (Public Law 99-169, December 4, 1985). Section 401(c) of that Intelligence Authorization Act stated:

> The amendment made by section 401(a) of this Act shall not apply with respect to funds appropriated to the Director of Central Intelligence under the heading "ENHANCED SECURITY COUNTERMEASURES CAPABILITIES" in the Supplemental Appropriations Act, 1985 (Public Law 99-88).

In enacting section 502 prohibiting the use of appropriated funds unless such use is "specifically authorized by the Congress," Congress found it necessary to include a statutory provision that rendered section 502 inapplicable with respect to the funds appropriated by the Supplemental Appropriations Act for an intelligence activity for which there was no statute authorizing the appropriation of funds for that activity. Thus, in the very statute enacting section 502, Congress recognized that appropriations made for an intelligence activity for which there was not a statutory authorization could not be used unless the statutory authorization requirement of section 502 was overridden by statute.

The subsequent practice of the Congress as a whole in enacting statutes—as distinct from the subsequent practices, of necessity in secret, of the two intelligence committees of Congress reflected in letters to the Director of Central Intelligence—also reflected recognition by the Congress that appropriations could not be used for intelligence activities unless either a statute authorizing appropriation of the funds for the activities was enacted or a statute overriding section 504 (previously section 502) was enacted. Thus, when Congress passed resolutions continuing appropriations in the absence of regular appropriations bills when a new fiscal year arrived prior to enactment of the annual intelligence authorization act—as occurred in fiscal years 1988 (see Public Laws 100-120 and 100-178), 1990 (see Public Laws 101-100 and 101-193), 1991 (see Public Laws 101-403 and 102-88), 1992 (see Public Laws 102-109 and 102-183), and 1993 (see Public Laws 102-376 and 102-496)—it included in the continuing resolution a provision waiving the applicability of section 504(a)(1), or its predecessor section 502(a)(1). Indeed, the continuing resolution for fiscal year 1994 (H.J. Res. 267, 103d Cong.), passed just days ago in the absence of annual intelligence authorization act for fiscal year 1994, contains such a waiver of section 504(a)(1). This consistent action of the Congress reflects recognition that funds made available by the continuing appropriations resolutions could not have been used for intelligence activities absent the waiver of the statutory authorization requirement in section 504.

Although the texts of the relevant statute and applicable principles of constitutional law and statutory interpretation dispose of the question of the meaning of the phrase "specifically authorized by the Congress" as used in section 504 (a)(1) and (a)(3), a review of the legislative history of section 504 is of interest, recognizing the limits to the value of legislative history in interpreting statutes (see Blum versus Stenson, 465 U.S. 886, 896-97(1984) on use of legislative history and Blanchard versus Bergeron, 489 U.S. 87, 97-100 (Scalia, J. concurring in the judgment) on misuse of legislative history). While the House report accompanying the initial version of the provision states that the provision "codifies a section which has long appeared in the annual intelligence authorization acts" (H. Rept. 99-106, pt. I, p.7)—which begs the question of statutory interpretation of the meaning of "specifically authorized" in those earlier statutes—the same passage in the report refers repeatedly to funding being "specifically authorized" without discussing how Congress would be required to manifest that specific authorization. The relevant discussion in the conference report statement of managers also is of little help in determining the meaning of "specifically authorized by Congress," because it, too, fails to discuss how such authorization would be required to be manifested. However, when the conference report—that is, the final version of the legislation in the form in which it was presented to the President—was considered on the House floor the then-chairman of the House Intelligence Committee, Mr. Hamilton of Indiana, specifically stated that section 502 (now modified and renumbered section 504) "requires that all funds spent for intelligence activities have been specifically authorized by law." (131 Cong. Rec. 32346, November 19, 1985) (emphasis added). Thus, to whatever extent the legislative history may be of significance on the specific issue of interpreting the phrase "specifically authorized by the Congress" in section 504, it supports the proposition that it means specifically authorized by the Congress through enactment of a statute authorizing appropriations.

For the foregoing reasons meeting the requirement of section 504 (a)(1), (a)(3), and (e)(3) that appropriated funds have been "specifically authorized by the Congress" requires that Congress have specifically authorized the appropriation of the funds by enactment of a law.

Section 504 of the National Security Act is, of course, simply one statute—it is not an immutable super-statute. Congress may, and normally does, choose to enact an annual intelligence

authorization bill to meet the authorization requirements of section 504, but Congress may instead by another statute simply override the statutory authorization requirements of section 504. When two statutes address the same subject, every effort is made to interpret the two statutes harmoniously so that each may be given effect. If they cannot be read harmoniously, however—that is, if they are in direct conflict—the later-enacted statute prevails. Thus, for example, if an appropriations act were enacted providing that funds are appropriated for an intelligence activity and "shall be obligated notwithstanding any other law" or "shall be obligated notwithstanding section 504 of the National Security Act," the requirements in section 504(a) of the National Security Act would be inapplicable, because there would be a clear conflict between the provisions of section 504(a) and the appropriations act's mandated obligation of appropriations without regard to section 504, in which case the later-enacted appropriations act would prevail. Such a conflict between a provision in an appropriations act and section 504 does not often arise and thus the requirements of section 504(a) (1) and (3) have only rarely been displaced by another law, such as by a waiver of section 504 in a continuing appropriations resolution enacted in the absence of enactment of an annual authorization act covering intelligence and intelligence-related activities.

CORRECTION OF THE PROBLEM: ADJUSTING THE LAW TO REFLECT PRACTICE

Section 504 requires in most circumstances that, if appropriations are to be used for an intelligence or intelligence-related activity, a statute must have specifically authorized use of the funds for such an activity. Normally, that is accomplished through enactment of the annual intelligence authorization act. However, situations arise in which the Director of Central Intelligence seeks to obligate appropriated funds for an intelligence or intelligence-related activity in excess of or in the absence of a statute authorization appropriation of the funds. In such cases, to meet the requirements of section 504 that the funds have been "specifically authorized by the Congress," enactment of a supplemental authorization statute) would be necessary.

Prior to enactment of section 504 of the National Security Act, Congress enacted supplemental authorization statutes in several instances, as part of the annual intelligence authorization acts for fiscal years 1980 (Public Law 96-100), 1982 (Public Law 97-89), and 1983 (Public Law 97-269). Supplemental authorization provisions enacted as part of the annual intelligence authorization act can satisfy section 504 to allow the executive branch to use appropriations in excess of prior authorization statutes if the annual intelligence authorization act incorporating the supplemental authorization is enacted during the period of availability of the appropriations set by the applicable appropriations statute. As a practical matter, given the timing of the Congressional funding process, an intelligence authorization act for a fiscal year often is not enacted until the fiscal year has commenced and the appropriations made for the preceding fiscal year for the most part have lapsed. Thus, merely making it the routine practice of Congress to include a supplemental authorization title for the preceding fiscal year in the annual intelligence authorization act generally will not be an effective means of satisfying in a timely fashion the "specifically authorized by the Congress" requirements of section 504 in situations in which it is desired that appropriations be obligated in excess of prior authorizations for intelligence or intelligence-related activities.

Another alternative for satisfying section 504 in seeking to obligate appropriations for an intelligence or intelligence-related activity in excess of or in the absence of an amount authorized for it by an annual authorization act would be the enactment of a separate supplemental intelligence authorization statute for that year. Executive branch requests to obligate appropriations in excess of or in the absence of authorization, including in reprogramming and transfer situations, may occur several times in a fiscal year and without much advance warning. It might prove to be an unreasonable burden on the Congress and might hamper the conduct of intelligence and intelligence-related activities if Congress were required to enact a supplemental statute authorizing appropriations each time the executive branch proposes to use appropriations in excess of or in the absence of authorization for an intelligence or intelligence-related activity, or to reprogram or transfer funds appropriated but not authorized for one intelligence or intelligence-related activity and use them for a different intelligence or intelligence-related activity.

The approach that best serves the executive branch need for flexibility, the legislative branch need to conduct intelligence oversight, and the overriding imperative of compliance with the laws governing intelligence activities is to remove the requirement for a statutory authorization in situations involving appropriations in excess of or in the absence of authorization, or transfers or reprogrammings to use funds appropriated in the absence of authorization, and to substitute instead a statutory requirement for congressional notification to use such funds, but with the continued non-statutory understanding that the executive branch will not proceed to use such funds until it obtains intelligence committee concurrence. The willingness of the Congress to go forward on this basis is, of course, directly dependent upon faithful executive branch observance of the longstanding practice of obtaining the concurrence of the appropriate committees of Congress prior to proceeding with the use of appropriated funds for an intelligence or intelligence-related activity for which the funds were not authorized. Advance notification under section 504 as required by the bill would provide the appropriate committees of Congress the opportunity to express, according to their respective committee rules and practices, to the executive branch their respective views of concurrence, objection, or advice relating to proposed funding transactions and the associated intelligence or intelligence-related activities. This approach is taken by the Intelligence Authorization Process Adjustment Act I have introduced.

In pursuing the Intelligence Authorization Process Adjustment Act, any theory that a statutory requirement for notification of the congressional intelligence committees in advance of the use of funds for intelligence or intelligence-related activities could in any way be construed as an unconstitutional condition has been considered as is rejected. Such a theory was propounded in the erroneous July 31, 1989 advisory opinion, addressing never-enacted legislation, by the Assistant Attorney General of the Office of Legal Counsel concerning notification of the intelligence committees of use of funding for certain CIA activities. The statutory requirement for advance notification is consistent with the Constitution—see Sibbach versus Wilson, 312 U.S. 1, 24).

EFFECT OF THE BILL

The Intelligence Authorization Process Adjustment Act amends section 504 of the National Security Act to provide that the executive branch may obligate funds appropriated for an intelligence or intelligence-related activity in excess of amounts authorized by law, or in the absence of such authorization, after notification to the appropriate committees of Congress. It would continue to be understood that as a matter of comity and custom—but not as a matter of law, to ensure consistency with the constitutional principles enunciated in Chadha—the executive branch will not proceed with such obligations unless the intelligence committees concur. That understanding is reflected in the language of the bill directed to the intelligence committees of the Congress relating to Committee action on executive branch notifications of intended funding actions.

The bill also makes technical amendments to the National Security Act to correct non-substantive drafting errors in section 504. The effective date of the amendments made by the bill is the first day of fiscal year 1994, October 1, 1993.

The bill is carefully crafted to achieve three goals: First, ensure compliance with the Constitution and laws of the United States in the funding and conduct of intelligence activities; second, preserve the Congress' power of the purse with respect to these sensitive activities; and third, ensure sufficient flexibility for the executive branch in the conduct of intelligence activities.

I ask unanimous consent that the text of the Intelligence Authorization Process Adjustment Act that I have introduced, and a document showing the changes in existing law that would be made by the bill, be printed in the RECORD:

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

S. 1578

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 "Intelligence Authorization Process Adjustment Act".

SEC. 2. AMENDMENTS TO SECTION 504 OF THE NATIONAL SECURITY ACT OF 1947.

(a) AMENDMENTS RELATING TO INTELLIGENCE FUNDING.—The National Security Act of 1947 is amended as follows—

(1) in subsection 504(a)—

(A) redesignate paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) insert "(1)" after "(a)";

(C) in subparagraph (1)(C) as so redesignated, redesignate sub-subparagraphs (A), (B), and (C) as sub-subparagraphs (i), (ii), and (iii), respectively;

(D) at the end of subparagraph (1)(A) as so redesignated, strike "or";

(E) at the end of subparagraph (1)(B) as so redesignated, strike "or";

(F) in subparagraph (1)(C) as so redesignated, after "different activity' insert ", or in the case of funds appropriated for such different activity in the absence of such authorization";

(G) in subsection (a)(1)(C)(ii) as so redesignated, strike "unforeseen" and insert in lieu thereof "unforeseen";

(H) at the end of subsection (a)(1)(C) as so redesignated, insert after the semicolon "or"; and

(I) strike paragraph (4) and insert in lieu thereof the following—

"(D) in the case of funds appropriated for an intelligence or intelligence-related activity either in excess of the amount specifically authorized by the Congress for that activity, or in the absence of an amount specifically authorized by the Congress for that activity, the Director of Central Intelligence, the Secretary of Defense, or the Attorney General, as appropriate, has notified the appropriate congressional committees of the intent to make such funds available for such activity.

"(2) Notifications received by the appropriate congressional committees under subsections (a)(1)(C)(iii) and (a)(1)(D) shall be acted upon in accordance with the respective applicable committee procedures."; and

(2) at the end of Section 504, insert—

"(f) Nothing in subsection (a) prohibits obligation or expenditure of funds available to an intelligence agency in accordance with sections 1535 and 1536 of title 31, United States Code.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of October 1, 1993.

CHANGES MADE TO SECTION 504 OF THE NATIONAL SECURITY ACT OF 1947 BY THE INTELLIGENCE AUTHORIZATION PROCESS ADJUSTMENT ACT

[Material stricken is bracketed; material added is in italics.]

* * * * *

FUNDING OF INTELLIGENCE ACTIVITIES

SEC. 504. (a)*(1)* Appropriated funds available to an intelligence agency may be obligated or expended for an intelligence or intelligence-related activity only if—

[(1)] *(A)* those funds were specifically authorized by the Congress for use for such activities; [or]

[(2)] *(B)* in the case of funds from the Reserve for Contingencies of the Central Intelligence Agency and consistent with the provisions of section 503 of this Act concerning any significant anticipated intelligence activity, the Director of Central Intelligence has notified the appropriate congressional committees of the intent to make such funds available for such activity; [or]

[(3)] *(C)* in the case of funds specifically authorized by the Congress for a different activity, *or in the case of funds appropriated for such different activity in the absence of such authorization—*

[(A)] *(i)* the activity to be funded is a higher priority intelligence or intelligence-related activity;

[(B)] *(ii)* the need for funds for such activity is based on [unforseen] *unforeseen* requirements; and

[(C)] *(iii)* the Director of Central Intelligence, the Secretary of Defense, or the Attorney General, as appropriate, has notified the appropriate congressional committees of the intent to make such funds available for such activity; or

[(4) nothing in this subsection prohibits obligation or expenditure of funds available to an intelligence agency in accordance with sections 1535 and 1536 of title 31, United States Code.]

(D) in the case of funds appropriated for an intelligence or intelligence-related activity either in excess of the amount specifically authorized by the Congress for that activity, or in the absence of an amount specifically authorized by the Congress for that activity, the Director of Central Intelligence, the Secretary of Defense, or the Attorney General, as appropriate, has notified the appropriate congressional committees of the intent to make such funds available for such activity.

(2) Notifications received by the appropriate congressional committees under subsections (a)(1)(C)(iii) and (a)(1)(D) shall be acted upon in accordance with the respective applicable committee procedures.

(b) Funds available to an intelligence agency may not be made available for any intelligence or intelligence-related activity for which funds were denied by the Congress.

(c) No funds appropriated for, or otherwise available to, any department, agency, or entitiy of the United States Government may be expended, or may be directed to be expended, for any covert action, as defined in section 503(e), unless and until a Presidential finding required by subsection (a) of section 503 has been signed or otherwise issued in accordance with that subsection.

(d)(1) Except as otherwise specifically provided by law, funds available to an intelligence agency that are not appropriated funds may be obligated or expended for an intelligence or intelligence-related activity only if those funds are used for activities reported to the appropriate congressional committees pursuant to procedures which identify—

(A) the types of activities for which nonappropriated funds may be expended; and

(B) the circumstances under which an activity must be reported as a significant anticipated intelligence activity before such funds can be expended.

(2) Procedures for purposes of paragraph (1) shall be jointly agreed upon by the intelligence committees and, as appropriate, the Director of Central Intelligence or the Secretary of Defense.

(e) As used in this section—

(1) the term "intelligence agency" means any department, agency, or other entity of the United States involved in intelligence or intelligence-related activities;

(2) the term "appropriate congressional committees" means the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives and the Select Committee on Intelligence and the Committee on Appropriations of the Senate; and

(3) the term "specifically authorized by the Congress" means that—

(A) the activity and the amount of funds proposed to be used for that activity were identified in a formal budget request to the Congress, but funds shall be deemed to be specifically authorized for that activity only to the extent that the Congress both authorized the funds to be appropriated for that activity and appropriated the funds for that activity; or

(B) although the funds were not formally requested, the Congress both specifically authorized the appropriation of the funds for the activity and appropriated the funds for the activity.

(f) Nothing in subsection (a) prohibits obligation or expenditure of funds available to an intelligence agency in accordance with sections 1535 and 1536 of title 31, United States Code.

By Mr. BREAUX (for himself, Mr. DURENBERGER, Mr. LIEBERMAN, and Mr. NUNN):

S. 1579. A bill to contain health care costs and improve access to health care through accountable health plans and managed competition, and for other purposes; to the Committee on Finance.

MANAGED COMPETITION ACT OF 1993

Mr. DURENBERGER. Mr. President, I rise today to join my distinguished colleague, Senator BREAUX, in introducing the Managed Competition Act. This is the companion measure to a bill introduced in the House of Representatives by our colleagues JIM COOPER and FRED GRANDY. It is the first bipartisan health reform legislation to be introduced in this session of Congress.

The introduction of this bill sends a clear signal that a reform of the health care system based on market incentives—not Government regulation—will attract widespread support in the Senate.

BIPARTISANSHIP

This bill is bipartisan. When Mrs. Clinton first met with Members of the Senate, back in the early spring, I told her that health reform must be bipartisan in order to succeed.

And bipartisan does not mean just a handful of Republican votes to put a Democratic bill over the top. Bipartisan means that there is widespread support in both parties for reform of this vast enterprise that we call health in America.

It is worth noting that all health legislation during the time I have been a Member of Congress has been bipartisan. Those of us on the Senate Finance Committee have worked closely together on PPS, DRG's, RBRVS's, the Bentsen-Durenberger insurance reform and other measures. I worked with Democratic Representative DICK GEPHARDT back in the late 1970's to oppose what we both considered ill-advised attempts by the Carter administration to regulate health prices.

Over the last 3 years, I have worked closely with my Republican colleagues in the Senate Task Force on Health, led by JOHN CHAFEE—who has served as an important link among Republicans on this issue.

WHAT IS MANAGED COMPETITION?

This bill is called the Managed Competition Act. Let's be clear on what we mean by managed competition. Sometimes I think we are using the same vocabulary, but speaking different languages.

Managed competition is a simple concept. It is based on the fact that competition among providers of services for the business of informed consumers drives prices down, and drives quality and innovation up. That's the definition of a market. Under managed competition, Government is used to facilitate the market through incentives, not replace the market with regulation.

Managed competition is not a new idea. The approach reflects both my intellectual perspective and my life experience in Minnesota. For over a decade, I have been a participant in the Jackson Hole Group—a collection of health policy leaders who met regularly at Dr. Paul Ellwood's home in Wyoming to figure out how to make the health care market work better.

In fact, I introduced a market-based health reform bill as far back as 1979. The Health Incentives Reform Act, which I introduced that year, was designed to encourage the kind of competition and consumer choice that were already taking root in the Twin Cities.

And make no mistake: They were and are taking root. And that ought to lay to rest one major misconception about managed competition. Managed competition is not just a theory. It is up and working in communities all over America. Minnesota happens to be one of the leaders in competitive health care delivery systems on the managed competition model.

Minnesota's physicians, business leaders, and citizens have been active in the creation of markets ever since the Mayo brothers founded their clinic in the 1860's. The Mayo practice was the very first integrated group practice in American history—and its integrated system and team practice is a clear precursor of today's concept of an accountable health plan or an integrated service network.

Minnesota's farming roots also gave it a strong tradition of buying and selling through consumer cooperatives. The Group Health organization was founded by a consumer cooperative in 1939.

Group practices have flourished in Minnesota. And their success demonstrates that markets can work to reduce costs and improve quality. Minnesota's market is providing health care at a cost 15 percent below the national average. I recommend the record of that success to the attention of my colleagues—and to that end, I ask unanimous consent that a monograph on the subject entitled "The Minnesota Health Care Market: Competition Works" be included in the RECORD at the conclusion of my remarks.

WORKING OUT THE DETAILS OF MANAGED COMPETITION: FIRST STEPS

The health reform draft that came out of the Clinton administration, the Senate Republican task force outline, and the Breaux-Durenberger bill all grew from the same roots. They are all variants of managed competition.

However, in the process of development, they have moved in different directions. The Clinton plan contains vestiges of a competitive system—it refers, for example, to health plans and alliances—its form of consumer cooperatives. But the Clinton proposal has taken an unnecessary and dangerous turn toward overregulation, entangling the market-based institutions in layer upon layer of Government regulation and oversight.

The Clinton draft proposes what would amount to a bureaucratic nightmare—with the prospect of 51 different health care financing and delivery systems run by the States. But there is much in common between the Clinton plan and this bill today which can form the basis of bipartisan reform.

The Senate Republican task force bill is much closer to the managed competition model, but some important differences remain. I am very optimistic about the potential for cooperative efforts among supporters of the Republican task force and supporters of the Managed Competition Act. I have signed on to the Republican outline, and I am an original cosponsor of the Managed Competition Act. I hope to serve as a bridge between these two approaches, which share a common philosophical basis.

A lot of the important work on health reform is going to be done in the Senate Finance Committee. As committee members, Senator BREAUX and I hope we can be very helpful at that stage of the process.

MANAGED COMPETITION: THE PURE APPROACH

With the introduction of this bill today, we now have on the table a pure managed competition model.

It's important that we keep in mind that health reform really has two components: The first, system reform, will get us to cost containment. And the second, coverage reform, will get us to universal access.

SYSTEM REFORM

This bill does precisely what is required in terms of system reform. It will help the market change the way medicine is bought and sold.

It will establish national rules for local markets. It favors competition over regulation, recognizing that fixing the health system is an American problem that requires an American solution.

It provides for the creation of accountable health plans that will promote risk assumption—not risk avoidance—by insurers.

It contains real tax reform—no more subsidies for excessive spending on health care.

It promotes increased consumer choice—through purchasing cooperatives and insurance reform that will strengthen the small group market. Greater information on price and quality will create a sound market for buyers and sellers—and costs will be controlled through markets. When it comes to cost containment, markets work—and Government price controls don't.

MOVING TOWARD UNIVERSAL ACCESS

This bill takes responsible and important steps in the direction of universal access. It contains real reform the Medicaid—under which the Federal Government takes responsibility for the financing and design. It integrates low-income people—those at 200 percent of poverty and below—into the AHP's so they will be able to buy health care services like everyone else in America. These reforms would solve a major problem for a large segment of the market.

Under the Managed Competition Act, small businesses have the opportunity to buy into a functioning marketplace with real choices for the workers. Insurance reform—along the lines of that already passed by the Senate in the Bentsen-Durenberger bill of 1992—would also improve access to the market by eliminating rating and ensuring portability of AHP's.

Once prices have been cut—and market power increased—through insurance reform, we may have actually come far enough toward solving the problem without the need for mandatory subsidies. But we must not enact mandates until we get costs under control.

STILL TO COME

What is missing in this bill? Medicare reform. I hope to introduce a bill in the

next few weeks to restructure Medicare so that senior citizens can buy AHP's instead of having to buy a different health plan at age 65 than at age 64. The whole system of part A, part B, and supplementals needs to be replaced with a more rational approach. My bill, which I am drafting with Senator DOMENICI, will do just that.

CONCLUSION

The truly historic aspect of this legislation is that it embodies a real bipartisan consensus. Most Members of the U.S. Senate are opposed to turning health care over to the Government as part of a socialized medicine scheme. And more Members are opposed to a laissez-faire market approach that doesn't really reform the dysfunctions of the current system.

The historian Arthur Schlesinger, Jr., wrote an important book called "The Vital Center." I think that only a vital center—a bipartisan approach based on the rejection of both extremes—will give the American people the health reform they demand and deserve.

Along with the cosponsors of the Managed Competition Act, I am convinced that this bill is the key vehicle for the ideals of the broad center in today's crucially important health care debate. And I think it is a harbinger of great progress toward health reform in this session of Congress.

By Mr. SPECTER (for himself and Mr. D'AMATO):

S. 1580. A bill to provide that the Employee Retirement Income Security Act of 1974 does not preempt certain State laws, and for other purposes; to the Committee on Labor and Human Resources.

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 AMENDMENT ACT OF 1993

• Mr. SPECTER. Mr. President, today I am introducing legislation to amend the Employee Retirement Income Security Act of 1974 to provide that ERISA does not preempt certain State laws. By enacting this bill, ERISA section 514(b), commonly known as the ERISA preemption, will no longer preempt three types of State and local laws: First, those providing for the payment of prevailing wages on public works projects; second, those State laws concerning apprenticeship, training and employment and third, those State laws providing for a mechanics' lien, other lien, bonding, or other security for the collection of contributions to multiemployer pension, health and welfare plans. This traditional role of State protection has been eroded by a series of court decisions holding that these laws are invalid because they conflict with, and therefore, are preempted by ERISA.

This legislation is nearly identical to a bill that passed the House in August 1992. Since that time the bill has been reintroduced as H.R. 1036 by Representative HOWARD BERMAN of California, and is currently awaiting a vote by the House within a few days. That bill is expected to pass with overwhelming bipartisan support.

Currently 31 States, including Pennsylvania, have enacted laws requiring contractors on public works projects to pay the prevailing rates of wages and benefits for the locality of the projects. However, since 1969 these laws have been struck in nine States, including New York, California, and Illinois. Workers in my home State of Pennsylvania are especially aggrieved by a recent federal court decision Keystone Chapter, Associated Builders and Contractors, Inc., versus Foley, invalidating Pennsylvania's entire prevailing rate law, rather than just the portion concerning payment of prevailing fringe benefits.

The effect of these court decisions is to leave the status of benefits for thousands of workers, particularly those in the building trades industry, in limbo due to the ERISA preemption, while contractors paying higher benefits to their employees are faced with the situation of being consistently underbid on public works projects by contractors paying substandard wages or benefits. It is necessary for Congress to take action clarifying that ERISA does not preempt these State prevailing wage laws.

The purpose of the legislation I am introducing is not to change any existing State prevailing wage law, but merely to restore to the States their traditional right to establish and oversee programs ensuring protection of those working within their respective borders. Only those State laws allowing an employer the choice of providing benefits or paying cash wages equal to the cost of the benefits to meet the prevailing rate requirement are covered.

All 50 States also have enacted laws creating apprenticeship certification and training programs. Every State has a profound interest in developing a skilled workforce, a goal achieved by the oversight of apprenticeship programs. The Clinton administration, as well as many others have recognized the need for improved worker training programs, like State-regulated apprenticeship programs. Yet, recent court decisions have declared these State laws null and void, leaving the apprenticeship programs in many States effectively destroyed.

All 50 States have mechanics' lien laws through which workers can secure payment for labor they perform on a building or other property. Mechanics' lien laws allow those in the construction and building trades a means of collecting delinquent contributions to multiemployer plans. Without this means of collection the fiscal integrity of these plans faces a serious threat. But, as with prevailing rate and apprenticeship program laws, these laws have been struck down merely because they relate to employee benefit plans covered by ERISA.

The ERISA preemption should apply only to those State laws which conflict with ERISA, specifically ERISA's goal of a uniform national approach to employee benefit regulations. The preemption should not apply to those areas where States traditionally have regulated the terms and conditions of employment for its citizens, namely, prevailing wage, apprenticeship programs and mechanics' liens. These are areas Congress never intended to address through ERISA. This legislation merely clarifies that certain areas of worker protection remain the States' domain.

In addition to the broad, bipartisan support this bill has enjoyed in the House, it is supported by the AFL-CIO, the National Association of Government Labor Officials, the National Association of Attorneys General, the National Association of State Apprenticeship Councils, and the Interstate Labor Standards Association. As this bill is the Senate companion to H.R. 1036, I expect these same groups will endorse the bill I am introducing today.

Mr. President, I therefore urge my colleagues to recognize the importance of preserving prevailing rates of wages and benefits and request the Senate's prompt consideration and enactment of this important legislation.•

ADDITIONAL COSPONSORS

S. 195

At the request of Mr. HELMS, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 195, a bill to repeal the mandatory 20 percent income tax withholding on eligible rollover distributions which are not rolled over.

S. 235

At the request of Mr. REID, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 235, a bill to limit State taxation of certain pension income, and for other purposes.

S. 452

At the request of Mr. CONRAD, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 452, a bill to amend chapter 17 of title 38, United States Code, to establish a program of rural health-care clinics, and for other purposes.

S. 570

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 570, a bill to recognize the unique status of local exchange carriers in providing the public switched network infrastructure and to ensure the broad availability of advanced public switched network infrastructure.

S. 834

At the request of Mr. GRASSLEY, the name of the Senator from Washington

[Mr. GORTON] was added as a cosponsor of S. 834, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage area, and for other purposes.

S. 993

At the request of Mr. KEMPTHORNE, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 993, a bill to end the practice of imposing unfunded Federal mandates on States and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

S. 1037

At the request of Mrs. MURRAY, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 1037, a bill to amend the Civil Rights Act of 1991 with respect to the application of such Act.

S. 1118

At the request of Mr. HATFIELD, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1118, a bill to establish an additional National Education Goal relating to parental participation in both the formal and informal education of their children, and for other purposes.

S. 1437

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1437, a bill to amend section 1562 of title 38, United States Code, to increase the rate of pension for persons on the Medal of Honor roll.

SENATE JOINT RESOLUTION 52

At the request of Mr. PACKWOOD, the names of the Senator from Rhode Island [Mr. PELL], and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Joint Resolution 52, a joint resolution to designate the month of November 1993 and 1994 as "National Hospice Month".

SENATE JOINT RESOLUTION 130

At the request of Mr. KEMPTHORNE, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of Senate Joint Resolution 130, a joint resolution designating October 27, 1993, as "National Unfunded Federal Mandates Day".

SENATE JOINT RESOLUTION 140

At the request of Mr. LAUTENBERG, the names of the Senator from Washington [Mrs. MURRAY], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 140, a joint resolution to designate December 7, 1993, as "National Pearl Harbor Remembrance Day".

SENATE JOINT RESOLUTION 141

At the request of Mr. SARBANES, the names of the Senator from Illinois [Mr. SIMON], and the Senator from Nevada [Mr. REID] were added as cosponsors of Senate Joint Resolution 141, a joint resolution designating October 29, 1993, as "National Firefighters Day".

AMENDMENT NO. 1068

At the request of Mr. DOMENICI, the names of the Senator from Idaho [Mr. CRAIG], the Senator from Missouri [Mr. BOND], the Senator from Indiana [Mr. COATS], and the Senator from Texas [Mr. GRAMM] were added as cosponsors of Amendment No. 1068 proposed to H.R. 3116, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

SENATE CONCURRENT RESOLUTION 48—RELATIVE TO THE ENROLLMENT OF THE BILL (H.R. 2403)

Mr. DECONCINI submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 48

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H.R. 2403), entitled "An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes" the Clerk of the House of Representatives is requested to make the following correction:

In the matter under the heading:

"GENERAL SERVICES ADMINISTRATION
FEDERAL BUILDINGS FUND
"LIMITATIONS ON AVAILABILITY OF REVENUE"

under title IV under the heading "INDEPENDENT AGENCIES" strike out the following proviso: ": *Provided further*, That subject to the exceptions contained in the preceding proviso, in no case shall such funds be made available for any lease, line-item construction, repair, or alterations project referred to in the preceding proviso if prior to February 1, 1994, the lease, line-item construction, repair, or alterations project has been disapproved by the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works" and insert in lieu thereof ": *Provided further*, That subject to the exceptions contained in the preceding proviso, in no case shall such funds be made available for any lease, line-item construction, repair, or alterations project referred to in the preceding proviso if prior to February 1, 1994, the lease, line-item construction, repair, or alterations project has been disapproved by the House Committee on Public Works and Transportation or the Senate Committee on Environment and Public Works".

SENATE RESOLUTION 153—ORIGINAL RESOLUTION REPORTED RELATIVE TO THE ISSUANCE OF A SUBPOENA

Mr. BRYAN, from the Select Committee on Ethics, reported the following original resolution:

S. RES. 153

Whereas the Select Committee on Ethics is currently conducting a preliminary inquiry pursuant to Senate Resolution 338;

Whereas on October 20, 1993, the Select Committee on Ethics authorized the issuance of a subpoena duces tecum to Senator Bob Packwood directing him to produce forthwith certain documents to the Committee;

Whereas on October 21, 1993, Senator Bob Packwood was duly served by the Select Committee on Ethics with a subpoena duces tecum directing him to produce forthwith certain documents to the Committee;

Whereas Senator Bob Packwood has refused to comply as directed by the subpoena;

Whereas under sections 703(b) and 705 of the Ethics in Government Act of 1978, Title 2, United States Code, Sections 288b(b) and 288d (1988), the Senate Legal Counsel shall bring a civil action under Title 28, United States Code, Section 1365 (1988) to enforce a subpoena of a Senate committee when directed to do so by the adoption of a resolution by the Senate;

Whereas the Senate will have a continuing interest in the documents required to be produced by the subpoena until its final disposition of allegations of misconduct by Senator Bob Packwood before the Select Committee on Ethics: Now, therefore, be it

Resolved, That the Senate Legal Counsel shall bring a civil action in the name of the Select Committee on Ethics to enforce the Committee's subpoena to Senator Bob Packwood, and the Senate Legal Counsel shall conduct all related civil contempt proceedings.

SEC. 2. Until the final disposition by the Senate of the allegations of and information respecting misconduct by Senator Bob Packwood before the Select Committee on Ethics, the Committee is authorized to continue this action to enforce the Committee's subpoena to Senator Bob Packwood, and to report to the Senate any further resolution for the civil or criminal enforcement of the Committee's subpoena to him.

SENATE RESOLUTION 154—RELATIVE TO THE PAKISTANI ELECTIONS

Mr. PELL (for himself, Mr. HELMS, Mr. MOYNIHAN, and Mr. BROWN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 154

Whereas the United States and Pakistan have maintained close and cooperative relations over many years;

Whereas the United States has a strong interest in strengthening democracy and human rights in Pakistan;

Whereas Pakistan held elections for the National and Provincial Assemblies on October 6 and 9, 1993, respectively;

Whereas the elections were observed by independent domestic monitors and by an international delegation organized by the National Democratic Institute for International Affairs (NDI);

Whereas the NDI delegation reported that "the balloting was generally open, orderly and well-administered," that "election officials generally carried out their tasks impartially and with diligence," and that the announcement of results "generally proceeded in accordance with the law;"

Whereas the people of the United States enjoy an abiding friendship with the people of Pakistan;

Whereas the United States and Pakistan share a common interest in the promotion of

stability in Pakistan and the easing of tensions in the South Asia region: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes the holding of elections on October 6 and 9, 1993, in Pakistan as an important step toward reaffirming Pakistan's democratic course;

(2) congratulates Prime Minister Benazir Bhutto on the occasion of her swearing-in on October 19, 1993;

(3) reaffirms the existing ties of friendship between the peoples of Pakistan and the United States;

(4) underscores the continuing interest of the United States in working with the government of Pakistan on issues of bilateral and regional concern.

Mr. PELL. Mr. President, today, along with Senator HELMS, Senator MOYNIHAN, and Senator BROWN, I am submitting a resolution concerning Pakistan. The resolution commends Pakistan for its recent successful exercise in democracy, and welcomes newly elected Prime Minister Benazir Bhutto to office.

On October 6 and 9, 1993, Pakistan held elections for its National and Provincial Assemblies. The elections resulted in a victory for prime Minister Bhutto—who served as Prime Minister from 1988 to 1990—and her Pakistan People's Party [PPP]. The Prime Minister was sworn in earlier this week and already is in the process of forming a new government.

Pakistan's elections, which arose out of a constitutional crisis involving Pakistan's erstwhile Prime Minister and President, should help to break the political stalemate that has gripped the country in recent years. Pakistan has spent an inordinate amount of time seeking to clarify the rights and prerogatives of its leaders, all at the expense of dealing with such difficult issues as nuclear proliferation, conflict and tensions with India, and human rights. My hope is that the new government will come to office assured of its mandate and ready to tackle these and other issues.

The elections were observed by an international team organized by the National Democratic Institute for International Affairs [NDI] and by independent domestic monitors. The NDI team consisted of observers from a broad spectrum of countries, including Western democracies and democratizing nations alike. The team reported "significant improvement" in the elections process since Pakistan's last round in 1990, and concluded that "this election provides an important opportunity to broaden popular support for and confidence in democratic governance" in Pakistan. I concur with that judgment, Mr. President, and would add that much credit is due the Pakistani military, which played a crucial role by supervising the elections and, perhaps more importantly, by remaining impartial throughout Pakistan's constitutional crisis.

This resolution underscores the Senate's support for Pakistan's reaffirmation of the democratic process. It also congratulates Prime Minister Bhutto, and expresses hope that the new government will work closely with the United States to resolve issues of bilateral concern. I believe the resolution expresses an important, positive message, and I urge my colleagues to support it.

Mr. President, I wish to thank the ranking member of the Foreign Relations Committee, Senator HELMS, and the chairman and ranking member of the Near East and South Asia Subcommittee, Senators MOYNIHAN and BROWN, for joining me in this effort. I ask unanimous consent that a copy of the preliminary statement of the NDI observer delegation appear in the RECORD.

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

NATIONAL DEMOCRATIC INSTITUTE
FOR INTERNATIONAL AFFAIRS,
Washington, DC, October 8, 1993.

PRELIMINARY STATEMENT—NDI INTERNATIONAL OBSERVER DELEGATION TO THE PAKISTAN NATIONAL ELECTIONS

This is the preliminary statement of a 35-member international delegation that observed the October 6 National Assembly elections in Pakistan. The delegation, organized by the National Democratic Institute for International Affairs (NDI), includes parliamentarians, political party leaders, election experts and regional specialists from 17 countries in Europe, Africa, Asia, the Pacific, the Middle East, Latin America and North America.

Given the significance of these elections for the democratic future of Pakistan, it is not surprising that the elections have attracted international attention. This and other observer delegations have been welcomed by the Central Election Commission and the caretaker government, as well as by major political parties and civic organizations. Our delegation came as observers. We did not seek to supervise the elections or certify the integrity of the process. Ultimately, it is the Pakistani people who must judge the elections.

The purpose of the delegation is to demonstrate the international community's continued support for the democratic process in Pakistan. We also are here to learn from the people of Pakistan about the nature of the electoral process and its implications for the further development of Pakistan's democratic institutions.

This is NDI's third international observer delegation to Pakistan. NDI delegations also observed the 1988 and 1990 polling. Since early September, NDI has maintained a continuous presence in the country. A 10-member international team visited Pakistan September 11–17 to assess the pre-election environment and preparations for the elections. Six members of this team remained in Pakistan to continue pre-election monitoring throughout the country and prepare the visit of this delegation. The delegation was briefed extensively by these pre-election missions.

NDI carefully reviewed media coverage of the campaign leading up to the elections. It also maintained close communications with other international observer delegations as well as Pakistani nongovernmental organizations monitoring the electoral process. Members of the delegation will remain in Pakistan to observe the provincial elections and to monitor post-election developments.

The delegation's mandate included the examination of three distinct aspects of the election process: the campaign; election-day proceedings; and the tabulation of results to date. This statement is a preliminary assessment of these issues. We note that the tabulation of results and the resolution of any electoral complaints have yet to be completed. NDI will continue to closely monitor developments and will issue a more detailed report at a later date.

The delegation arrived in Pakistan on Saturday, October 2. During our stay we met with government and election officials, leaders of the major political parties, nongovernmental organizations, journalists, and others involved in the electoral process in all four provinces and in the federal capital. On election day, members of the delegation visited polling stations in rural and urban areas throughout the nation.

The delegation noted significant improvement of the pre-election environment over that of the 1990 elections. The caretaker government sought to establish an environment in which the elections would be administered impartially. Opposing parties agreed that the government successfully promoted an open, competitive process.

The electronic media provided generally balanced coverage of the campaign and access for 22 parties to present their messages directly to the public. Contesting political parties were able to communicate with the electorate through the printed press, rallies and other avenues. The printed press also enjoyed freedom in political reporting. Additional steps taken to ensure impartial election administration included the policy of transferring government officials.

The Central Election Commission (CEC) adopted new procedures that promoted the transparency of the election. These actions included providing party polling agents with signed copies of the official tally sheets, announcing results at the polling stations, promoting greater awareness of the Code of Conduct for Political Parties and accrediting independent Pakistani election monitors. The CEC also considered carefully recommendations by political parties and nongovernmental organizations and sought consensus on a number of electoral reforms.

Notwithstanding these positive developments, a number of recurring features remained only partially addressed. These include the quality of the electoral rolls, which had not been fully updated since 1991. After the elections were called, there was not enough time to remove all of the names of those who were deceased, had relocated, or were deemed "bogus" upon investigation. Concern was also expressed that some prospective new voters could not be registered because of cumbersome procedures to acquire the national identification cards. Also, the delegation noted reliable reports from numerous sources that parties and candidates often ignored legal requirements regarding campaign spending limitations as well as aspects of the Code of Conduct for Political Parties.

The delegation notes with deep regret serious incidents of violence that resulted in a number of deaths during the campaign.

The MQM(A)'s allegation of interference with its ability to contest the elections is a serious charge. However, the delegation is not in a position to judge how valid these charges were, or whether they justified the decision of the party to boycott the National

Assembly elections. The delegation regrets that the party's withdrawal apparently deprived voters of the full range of political choices. We hope that the proper authorities will investigate and act upon these and similar allegations by other parties.

An election day, the balloting was generally open, orderly and well-administered. The atmosphere in and around the polling stations was peaceful. In the polling stations observed by delegation members, election officials generally carried out their tasks impartially and with diligence. Polling agents from major contesting parties were present at voting booths, appeared to work cooperatively, and expressed confidence in the election officials' resolution of disputes. The delegation was also encouraged by the presence of independent domestic monitors organized by the Human Rights Commission of Pakistan in polling sites around the country. The counting was conducted in an expeditious and transparent manner, and the consolidation and announcement of results has generally proceeded in accordance with the law.

The delegation nonetheless noted some problems and irregularities. The most frequently observed problem was in identifying and verifying voters which, because of either inaccurate electoral rolls or possibly false ID cards, resulted in some persons not being able to vote. Other irregularities included delays in opening the polling stations and occasional ineffectiveness of the indelible ink. However, the delegation did not receive evidence that these problems were systematic or that they affected the outcome of the elections in the constituencies observed.

The delegation wishes to emphasize that we have maintained contact with the political parties throughout the pre-election and election day period. Although parties identified electoral issues that were cause for concern, at no point did they accuse the CEC, the military or the caretaker government of partisanship. Parties or candidates that alleged pre-election fraud often did not appear to be prepared to document their complaints. In addition, the delegation noted that on election day, party agents were in some instances not investigating or recording potential irregularities or challenges. The absence of such documentation hinders the parties' ability to substantiate claims of electoral abuse.

The delegation expresses serious concerns regarding the participation of women in the electoral process. As NDI noted in its report on the 1990 elections, cultural and social realities, as well as identification procedures in the polling station, make it difficult for women to vote. For example, in certain areas designated to have a polling station for women, presiding officers did not even bother to set up the facilities because of expectations that women would not come to vote. The delegation also observed significantly more confusion and disorder in women's polling places.

The active involvement of the armed forces in these elections deserves special attention. It was generally viewed by party leaders and the electorate that beyond maintaining law and order, the military's role in support of the Central Election Commission was aimed at guaranteeing the integrity of the entire process. The large-scale military presence on election day provided a calming influence. Except for isolated instances, members of the armed forces did not interfere in the process or act in an intimidating manner.

While the armed forces played a positive role in this election, it is essential that other institutions be strengthened. This would obviate the need for the military to assume extraordinary roles in the election process. These institutions include democratic political parties, active civic organizations, vigilant and independent media, a strong independent electoral commission, and a government and parliament responsive and accountable to the citizenry.

Democracy in Pakistan will only advance through tolerance, dialogue and cooperation among ruling and opposition parties alike. In this immediate post-election period and beyond, Pakistan's political leaders must reach out not only to their own supporters, but to the millions of Pakistanis who did not vote. This election provides an important opportunity to broaden popular support for and confidence in democratic governance.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT OF 1994

INOUYE AMENDMENT NO. 1075

Mr. INOUYE proposed an amendment to the bill (H.R. 3116) making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes; as follows:

On page 133, beginning of line 13, strike out the text of section 8110 in the committee amendment and insert in lieu thereof:

8110. CONVEYANCE OF KAHO'OLAWE ISLAND, HAWAII, TO THE STATE OF HAWAII.

(a) PURPOSE.—It is timely and in the interest of the United States to recognize and fulfill the commitments made on behalf of the United States to the people of Hawaii and to return to the State of Hawaii the Island of Kaho'olawe. Kaho'olawe Island is among Hawaii's historic lands and has a long, documented history of cultural and natural significance to the people of Hawaii reflected, in part, in the Island's inclusion on the National Register of Historic Places and in the longstanding interest in the return of the Island to State sovereignty, public access and use. Congress finds that control, disposition, use and management of Kaho'olawe is affected with a federal interest. It also is in the national interest and an obligation undertaken by Congress and the United States under this and other Acts, and in furtherance of the purposes of Executive Order 10436 (1953), to recognize the cultural and humanitarian value of assuring meaningful, safe use of the Island for appropriate cultural, historical, archaeological and educational purposes as determined by the State of Hawaii and to provide for the clearance or removal of unexploded ordnance and for the environmental restoration of the Island for such purposes. Congress also finds it is in the national interest and an essential element in the federal government's relationship with the State of Hawaii to ensure that the conveyance, clearance or removal of unexploded ordnance, environmental restoration, control of access to the Island and future use of the Island be undertaken in a manner consistent with the enhancement of that relationship, the Department of Defense's military mission and the Federal interest.

(b) MODEL DEMONSTRATION PROJECT.—It is in the national interest that the clearance or removal of unexploded ordnance and the environmental restoration of Kaho'olawe serve as a model demonstration project that incorporates the use of innovative technologies and remedy selection process that will expedite and economize such clearance or removal and environmental restoration while maintaining meaningful participation by affected parties and assuring the protection of human health and the environment.

(c) CONVEYANCE.—Subject to section 1(d) section 8(b) of this Act, the United States, through the Secretary of the Navy (also, hereinafter, "the Secretary"), shall convey and return, without consideration and without conditions other than those set forth in this Act, to the State of Hawaii all right, title and interest of the United States, except that interest set forth in section 2(a)(4) and section 4 of this Act, in and to that parcel of property consisting of approximately 28,776 acres of land known as Kaho'olawe Island, Hawaii and its surrounding waters. Such conveyance of title shall occur no later than 180 days from the date of enactment of this Act and the appropriation of funds for such purposes described in this Act.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of property to be conveyed under section 1(c) shall be determined by a survey that is deemed satisfactory by the State of Hawaii in consultation with the Secretary. The cost of the survey shall be borne by the Secretary, making use of funds provided pursuant to the Act.

8110(A). ORDNANCE CLEARANCE OR REMOVAL ON KAHO'OLAWE ISLAND, HAWAII.

(a) ORDNANCE CLEARANCE OR REMOVAL.—(1) Subject to section 8(b) of this Act, the Secretary of the Navy shall, in compliance with the two-tiered standard of ordnance clearance, removal, restoration and safety contained in (a)(2) of this Section,—

(A) detect and clear or remove from Kaho'olawe Island and its adjacent waters, all unexploded ordnance, the remains of exploded ordnance, and solid waste associated with such ordnance or with the use of Kaho'olawe Island by the United States for bombing training, gunnery training, or other munitions training.

(2) Kaho'olawe Island shall be restored for use in accordance with the following requirements:

(A) Tier One Restoration Area. The entire Island shall, in a manner consistent with the purposes of this Act and with the protection of surface and below surface historical and cultural sites and artifacts, be restored to a condition that is reasonably safe for human access and visitation and in accordance with standard methodologies for such restoration as determined by the Secretary in accordance with the purposes of this Act. Subsequent to the transfer to the State of Hawaii of responsibility for the control of access, as provided in section 6 of this Act, the Navy shall continue to undertake, upon the reasonable request of the State, and at regular intervals, reasonable and prudent clean-up measures using standard methodologies. With such Tier One Restoration Area, and in accordance with sections 5 and 6 of this Act, approximately 22,600 acres of the approximately 28,776 acres on the Island and submerged land in the surrounding waters to a depth of 120 feet shall be subjected to surface clearance only.

(B) Tier Two Restoration Enclaves. Enclaves within the Island, as identified in (i), (ii), (iii) and (iv) below and not exceeding approximately 6,200 acres, shall be restored to a condition that is reasonably safe for the human habitation necessary to accomplish

the cultural historical, archaeological and educational purposes of this Act, to assure the uses set forth in (i), (ii), (iii), and (iv) below and in accordance with the best available technology and methodology for such restoration:

(i)(a) not more than approximately 4,700 acres for the purpose of grasslands and related uses; and (b) those locations, including trails, roads and historical, cultural and archaeological enclaves identified by the State under section 2(C), that shall not exceed an additional 1,400 acres;

(ii) no more than three specially designated navigational channels to the Island suitable for visitation, including the adjacent shoreline area;

(iii) (a) not more than approximately 10 acres for reasonably safe, human habitation sites, as defined in (B) of this Section, that shall include but not be limited to the sites designated as Hanakanaia to Lae Paki, Kuheia/Kaulana, Ahupu, Hakioawa, Pu'u Moaulanui, Seagull Station, Kamohio Station, Halona Station, Honokoa, and Kanapou; and (b) approximately 47 acres of reservoirs designated as Lua Kealialalo, Lua Kealialuna and Lua Makika; and

(iv) approximately 5 acres on not more than three locations to be used as heliports.

(C) Description of Tier Two Restoration Enclaves. The precise description for the Tier Two Restoration Enclaves, prepared through standard methodologies, shall be submitted to the Navy by the State of Hawaii within 180 days of the enactment of this Act. Any reasonable enlargement to the size or modification to the location of the Tier Two Restoration Enclaves shall be agreed to by the Secretary of the Navy. Such reasonable enlargement or modification shall be determined and undertaken within the time period identified in section 2(a)(3). The cost of such enlargement or modification shall be borne by the Secretary, making use only of funds provided pursuant to this Act.

(3) The Secretary shall commence the activities described in sections 2(a)(1) and (2) as soon as possible but not later than 180 days after the enactment of this Act and continue such activities in accordance with reasonable expedition until completed. Such activities required in section 2 shall be completed within 10 years of the enactment of this Act and the appropriation of funds for such activities.

(4) Notwithstanding any other provision of section 2, the Secretary shall retain the control of access to the Island, in consultation with the State of Hawaii and prior to and following the entering into force of the Memorandum of Understanding contained in Section 6 of this Act, until clearance and restoration is completed and control of access is transferred to the State of Hawaii.

(5) The Secretary shall carry out the requirements of section 2 following consultation with the State of Hawaii as required by Section 6 of this Act and with the technical and logistical support, as needed, of the United States Army Corps of Engineers and other federal agencies.

(6) No federal permit shall be required by the United States, its departments, agencies or instrumentalities for any portion of the removal, restoration and cleanup work pursuant to the Act and conducted entirely on Kaho'olawe Island or in its adjacent waters.

(7) Except as provided in section 4 regarding liability and in section 3 regarding the completion of activities and in section 2(a)(2)(A) regarding regular interval cleanups and new discoveries of previously undetected ordnance, the Secretary's obligations and responsibilities under this Act shall terminate 10 years after the enactment of this Act.

8110(B). ENVIRONMENTAL REMEDIATION OF KAHO'OLAWE ISLAND, HAWAII AND ADJACENT WATERS.

(a) ASSESSMENT OF ADDITIONAL ENVIRONMENTAL CLEANUP FOR HAZARDOUS AND OTHER SUBSTANCES.—(1)(A) Not later than 365 days after the date of the enactment of this Act, the Secretary of the Navy shall complete, in cooperation with the State of Hawaii, such studies and appraisals as are necessary to identify the type, quantity, and estimated costs of response, remediation and removal of the hazardous substances other than exploded and unexploded ordnance and other substances, refuse and waste, if any, that are located—

(i) on Kaho'olawe Island; and

(ii) in the waters adjacent to Kaho'olawe Island.

(B) The cost of the studies and appraisals referred to in section 3(a)(1)(A) shall be borne by the Secretary, making use of funds provided pursuant to this Act.

(b) REMEDIATION OF HAZARDOUS AND ENVIRONMENTAL SUBSTANCES.—(1)(A) In furtherance of the purposes of this Act and in recognition of the clearance, removal and environmental remediation obligations imposed by this Act, and that the aforementioned activities are considered a model demonstration project, Kaho'olawe Island is exempt from placement on the National Priorities List. Notwithstanding that conveyance of title to Kaho'olawe Island to the State of Hawaii shall precede clearance or removal and environmental remediation, upon the completion of the studies and appraisals referred to in section 3(a)(1)(A), the Navy shall carry out remediation, clean-up and responses to the hazardous substances and other substances, refuse and waste located on Kaho'olawe Island and in the waters adjacent to Kaho'olawe Island (as identified in such studies and appraisals) that are necessary to protect human health and the environment. The remedies for such clean-up, remediation and responses shall be selected by the Secretary in consultation with the State and in accordance with the purposes of this Act and shall be commenced and completed within the time period identified in section 2(a)(3) of this Act for the removal of ordnance. The cost of such clean-up, remediation and responses shall be borne by the Secretary, making use of funds provided pursuant to this Act.

(2) In this Act, the terms "response," "removal," "remediation" and "hazardous substance" have the meanings given such terms in 42 U.S.C. 9601(14), (23), (24) and (25).

(c) RESPONSIBILITY AND LIABILITY TO CONDUCT RESPONSE, CLEANUP AND REMEDIATION ACTIVITIES.—(1) Notwithstanding the duties and obligations set forth in this Act and notwithstanding the conveyance required under section 1, the State of Hawaii shall not be liable and responsible for the conduct of any clean-up and response actions arising from and relating to the use and environmental remediation of Kaho'olawe Island and its adjacent waters by the United States that, through federal court order, may be held applicable to Kaho'olawe Island.

8110(C). INDEMNIFICATION AND THE CONTROL OF ACCESS.

(a) The Navy shall retain control of the access to the Island during the time period set forth in section 2(a)(3) that it is undertaking unexploded ordnance removal and hazardous materials removal activities required in section 2 of this Act.

(b) During the time period the United States retains control of access to the Island, the United States shall hold harmless, defend and indemnify the State of Hawaii or its political subdivisions from and against all claims, demands, losses, damages, liens, liabilities, injuries, deaths, penalties, fines, law suits and other proceedings, judgments, awards and reasonable costs and expenses arising out of, or in any manner predicated upon, the presence, release or theretened release of any munitions, exploded or unexploded ordnance, solid waste associated with such ordnance or hazardous substance, pollutant or contaminant resulting from the activities of the Department of Defense, including the activities of the Department of the Navy and the Department of the Army and any agent, employee, lessee, licensee, independent contractor or other person on the property during such time that the property was and remains under the control of the Department of Defense, Navy, Army or other agencies of the United States Government.

(c) Nothing in this Act is intended to alter or affect the federal or state requirements of law governing liability following the transfer of control of access to the State of Hawaii, except that the United States shall activities required under this Act in the same manner as if the United States engaged in the performance of the tasks delegated to its contractors.

8110(D). LONG TERM PLANNING AND ENVIRONMENTAL RESTORATION ACTIVITIES OF THE STATE OF HAWAII.

(a)(1) Subject to section 8(b) of this Act, the Secretary is authorized to provide $45,000,000 to the State of Hawaii for the purpose of implementation by the State of (i) long term planning (ii) environmental restoration activities and (iii) the terms and conditions set forth in the Memorandum of Understanding required by section 6 of this Act, concerning Kaho'olawe Island and its adjacent waters. Such funds as are provided by the Secretary for the purpose of carrying out this section shall be made available to the State by the Secretary from funds made available pursuant to this Act and shall be provided to the State of Hawaii following the submission of a plan containing the elements identified in (a)(2) of this section.

(2) The State of Hawaii shall use the funds made available pursuant to this section for the purposes of carrying out long term planning and environmental restoration activities, consistent with the purposes of this Act, on Kaho'olawe Island, including—

(A) soil conservation and water resource development;

(B) erosion abatement (including reforestation and revegetation);

(C) stabilization, restoration and securing sites of archaeological or historical significance;

(D) removal or destruction of non-native plants and animals; and

(E) precise identification of those areas subject to cleanup and removal of ordnance described in section 2 of this Act.

(3) Funds in addition to those provided pursuant to (a)(1) of this section may be provided to the State of Hawaii upon the submission of an acceptable plan containing the elements identified in (a)(2) of this section and demonstrating, to the satisfaction of the Secretary, that such funds are necessary to the proper fulfillment of such elements and the purposes of this Act. The Secretary shall have sole discretion to award such additional funds, however, the award of such funds shall not be unreasonably withheld.

8110(E). COOPERATION OF FEDERAL DEPARTMENTS AND THE STATE OF HAWAII AND TRANSFER OF CONTROL OF ACCESS.

(a)(1) Upon the request of the Secretary or the State of Hawaii, and in accordance with existing laws and requirements, any department or agency of the Federal Government may provide assistance to the Secretary or the State of Hawaii, as the case may be, in carrying out their respective duties under this Act.

(2) Within 180 days following passage of this Act the Secretary shall consult with and enter into a Memorandum of Understanding with the State of Hawaii governing the terms and conditions of (i) access to the Island for those purposes set forth in section 5 of this Act and any other cultural, archaeological, educational and planning purposes provided for in this Act, giving due regard to the risk of harm to health and safety involved in providing such access and the need to avoid interference with or disruption of the Navy's clearance, removal and remediation activities; (ii) the timing, planning and methodology of ordnance clearance or removal and hazardous substance clearance and other waste removal and the protection of historical, cultural and religious sites and artifacts, provided that all reasonable effort should be made to avoid harm to such sites and artifacts from the detonation of unexploded ordnance, clearance or removal and hazardous substance clearance; (iii) a model cleanup program emphasizing the use of innovative technology, integrative planning and expeditious implementation of remediation; (iv) the means for protecting historical, cultural and religious sites and artifacts from intentional destruction, harm and vandalism; and (v) public participation, as appropriate, including the opportunity for public comment and hearing. Under any such terms and conditions, the Secretary shall be issued full and necessary access to carry out the obligations of the Secretary arising out of the responsibilities and liabilities of this Act. Such terms and conditions shall remain in existence until the completion of the restoration and remediation activities required by section 2 of this Act and be revised periodically by mutual consent and giving due regard to the importance of access to the Island as the level of cleanup, restoration and remediation moves toward attainment. Nothing in this Act is intended to diminish or alter the rights and responsibilities of the Navy to allow access to the Island that existed prior to the enactment of this Act.

(3) The United States, through the Secretary of the Navy, shall transfer the control of access to the State of Hawaii within no more than 10 years from the date of enactment of this Act or when the activities required by this Act, including ordnance clearance or removal activities in section 2 and the environmental remediation activities in section 3 are completed, whichever comes first.

8110(F). KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION TRUST FUND.

(a) There is established on the books of the Treasury of the United States a fund to be known as the "Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund" (hereinafter in this subsection referred to as the "Fund"). The Fund shall be administered by the Secretary of the Treasury. The Fund shall be used for the accumulation of funds in order to pay the obligations incurred by the Secretary of the Navy or the Department of Defense in carrying out the purposes of this Act and for properly allocable costs of the Federal Government in the administration of the Fund.

(b) There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

(1) Amounts paid into the Fund from any source.

(2) Any amount appropriated to the Fund.

(3) Any return on investment of the assets of the Fund.

(c) To the extent provided in appropriation Acts, the assets of the Fund shall be available for obligation by the Secretary of the Navy to carry out the purposes of this Act.

(d) There is authorized to be appropriated into the Fund $400,000,000, which may be appropriated as a lump sum or in annual increments. Of the amounts deposited into the Fund, not less than eleven percent shall be made available to the State of Hawaii to carry out the provisions of section 5(a)(1) of this Act.

(e) Amounts appropriated to the Fund shall remain available until obligated or until the Fund is terminated.

(f) Upon payment of all incremental costs associated with the purposes for which the Fund is established, the Fund shall be terminated.

8110(G). APPLICABLE LAW AND JUDICIAL REVIEW.

(a) Federal Courts shall have jurisdiction only to enforce the terms, conditions and provisions of this Act, regarding the activities, duties, and responsibilities in this Act occurring on the Island of Kaho'olawe and in its adjacent waters. Only such terms, conditions and provisions will govern judicial review of the conduct of the United States, its departments, agencies and instrumentalities with regard to any actions arising from or related to the conveyance of Kaho'olawe Island to the State of Hawaii and the clearance or removal and remediation of unexploded and exploded ordnance and the remediation of hazardous substances and other wastes on the Island and its adjacent waters and for the other obligations, duties and purposes set forth in this Act.

(b) The provisions of this Act shall be carried out notwithstanding any other provision of law.

(c) Any person, as defined in 42 U.S.C. 9601(21), may bring an action against the United States, its departments, agencies and instrumentalities to require compliance with the terms of this Act and the obligations of the United States, its departments, agencies and instrumentalities under the Memorandum of Understanding required by section 6 of this Act. Such action shall be commenced no earlier than the 60th day following the date on which the plaintiff gives notice in writing to the Attorney General, the Secretary and other department, agency or instrumentality that the plaintiff will commence such action. Such action shall be brought in the district court for the district in which the alleged violation occurred. In any action under this Section, the United States or the State, or both, if not a party may intervene as a matter of right. The United States, its departments, agencies and instrumentalities shall be subject to only such injunctive relief as may be imposed by the court to enforce compliance with the terms of this Act and the Memorandum of Understanding. Such compliance shall be enforced giving due regard to the need for expeditious clean-up under the terms and conditions of this Act.

8110(H). ANNUAL REPORT TO CONGRESS.

(*1*)(a) The Secretary shall submit annually a Report, in detail, describing compliance with the provisions of this Act. Such Report shall include the comments of the State of Hawaii and be submitted to the Defense Committees of Congress.

GRASSLEY (AND OTHERS) AMENDMENT NO. 1076

Mr. GRASSLEY (for himself, Mr. BROWN, and Mr. BURNS) proposed an amendment to the bill H.R. 3116, supra; as follows:

On page 68, line 20, after "law," insert the following: "the Secretary of the Navy may not obligate funds after December 31, 1993, for entering into any sealift contract or charter under which the Secretary, as determined by the Secretary, is to pay, either directly or indirectly through a contractor or subcontractor, compensation (including regular rate pay, overtime rate pay, and other pay-related benefits) with respect to a seaman billet at a total cost that exceeds the total cost to the Federal Government of the compensation that is provided by the Federal Government with respect to a comparable military billet reserved for, or filled by, a member of the Armed Forces of the United States,".

NUNN (AND OTHERS) AMENDMENT NO. 1077

Mr. INOUYE (for Mr. NUNN, for himself, Mr. THURMOND, Mr. BINGAMAN, and Mr. SMITH) proposed an amendment to the bill H.R. 3116, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . Of the funds appropriated for title III of this Act, $50,000,000 shall be made available for obligation until September 30, 1996 for the Department of Defense Pilot Mentor-Protege Program, pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note), as amended: *Provided*, That funds made available may be used by a military service or a Defense agency to reimburse costs incurred by a contractor (or subcontractor) under an approved contract line item for the provision of mentoring assistance pursuant to an approved Mentor-Protege Program developmental assistance agreement.

WARNER (AND KERRY) AMENDMENT NO. 1078

Mr. WARNER (for himself and Mr. KERRY) proposed an amendment to the bill H.R. 3116, supra; as follows:

On page 45, line 15, before the period, insert ": *Provided further*, That of the funds appropriated under this heading, $4,600,000 shall be made available only for the design and demonstration of the Yankee Methanol Plantship".

LAUTENBERG (AND SIMON) AMENDMENT NO. 1079

Mr. LAUTENBERG (for himself and Mr. SIMON) proposed an amendment to the bill H.R. 3116, supra; as follows:

On page 16, strike out line 19 and all that follows through line 12 on page 17.

D'AMATO (AND OTHERS) AMENDMENT NO. 1080

Mr. STEVENS (for Mr. D'AMATO, for himself, Mr. DOLE, and Mr. MOYNIHAN)

proposed an amendment to the bill H.R. 3116, supra; as follows:

Insert at the appropriate place:

"SEC. . It is the sense of the Congress that the United States Department of Justice should investigate whether any Federal criminal civil rights laws were violated as a result of (1) the murder of Yankel Rosenbaum on August 19, 1991, and (2) the circumstances surrounding the murder and accompanying riots in Crown Heights."

NOTICES OF HEARINGS

NOTICE OF ADDITION TO HEARING SCHEDULE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that an additional measure has been added to the hearing previously announced for October 27, 1993, before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources. The additional measure to be considered is S. 1574, a bill to authorize appropriations for the Coastal Heritage Trail Route in the State of New Jersey, and for other purposes.

The hearing will take place on Wednesday, October 27, 1993, beginning at 2 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

For further information regarding this hearing, please contact Dionne Thompson of the subcommittee staff at (202) 224-5925.

NOTICE OF HEARING TIME CHANGE

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 the oversight hearing scheduled before the Subcommittee on Mineral Resources Development and Production will now take place at 9:30 a.m. The hearing previously had been scheduled for 2 p.m.

The purpose of the hearing is to receive testimony on ocean mining technology.

The hearing will take place on Thursday, November 4, 1993, 9:30 a.m. at 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.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on October 21, 1993, at 10 a.m. on NAFTA implementing legislation.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., October 21, 1993, to receive testimony on S. 447, the Insular Areas Policy Act.

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

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. to continue consideration of legislation authorizing the fiscal year 1994 and 1995 budget for the U.S. Customs Service and of recommendations for legislation to implement the North American Free Trade Agreement.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, October 21, 1993, at 9:30 a.m. to hold a nomination hearing on Victor Tomseth, to be Ambassador to Laos.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on legislative issues related to the regulation of dietary supplements, during the session of the Senate on October 21, 1993, at 2:30 p.m.

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

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR REGULATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Regulation, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, October 21, beginning at 9:30 a.m., to conduct a hearing on the implementation of the acid rain provisions of the Clean Air Act Amendments of 1990.

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

SUBCOMMITTEE ON EDUCATION, ARTS AND THE HUMANITIES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources, Subcommittee on Education, Arts and the Humanities be authorized to meet on October 21, 1993, at 9 a.m., for an executive session to consider S. 285, Office of Educational Research and Improvement Reauthorization Act, and S. 1125, Safe School Act of 1993.

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

SUBCOMMITTEE ON JUVENILE JUSTICE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Juvenile Justice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, October 21, 1993, at 9:30 a.m., to hold a markup.

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

SUBCOMMITTEE ON SECURITIES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Thursday, October 21, 1993, at 10 a.m. to conduct a hearing on the accounting treatment of employee stock options.

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

ADDITIONAL STATEMENTS

CHINA TRIP REPORT

• Mr. BAUCUS. Mr. President, last August I visited the People's Republic of China and Hong Kong, accompanied by a group of Montana business executives. During this trip, I met with an array of senior Chinese officials, including President Jiang Zemin. In these meetings I discussed environmental protection, human rights, trade issues, and prospects for China's most-favored-nation tariff status.

One week ago I completed a formal report on the trip, which I have submitted to Members of Congress, administration officials and others concerned with American policy toward China. It reviews the meetings I held in Beijing, Chengdu, Lhasa, Hong Kong, Guangzhou, and Shenzhen, and makes some recommendations on our policies regarding MFN status, human rights, the environment, weapons proliferation, and trade.

I would like to share this report with all Members of Congress who have an interest in these issues, and thus ask that the report be printed in the RECORD.

The report follows:

CHINA TRIP REPORT OF SENATOR MAX BAUCUS

(Covering Visits to Beijing, Chengdu, Lhasa, Hong Kong, Guangzhou, and Shenzhen, August 15–28, 1993)

EXECUTIVE SUMMARY

Last August I visited China, stopping in Beijing, Chengdu, Lhasa, Guangzhou and Shenzhen to meet senior Chinese national, provincial and municipal officials. I also spoke with elected and appointed officials in Japan, Hong Kong, exiled dissidents and leaders of the Japanese, Chinese, Hong Kong and US business communities.

My goals on the trip were as follows:

To stress to Chinese officials the importance of meeting the President's MFN conditions;

To seek opportunities for cooperation in environmental protection;

To push for a more balanced trade relationship; and

To discuss human rights issues, including both broad questions and individual priority cases.

My conversations led me to four major conclusions:

1. *MFN Conditions*—First, my stay reinforced my view that US-China promotes human rights and environmental protection as well as prosperity. Trade and economic reform have made Chinese citizens freer today than at any time since communist rule in China began, and I believe economic growth is making political change inevitable. Revoking MFN would retard this process and damage the American and Chinese economies. If China meets the MFN conditions President Clinton imposed last May, I would urge that we avoid renewed or additional conditions next year.

2. *Environment*—Second, the environment should become as central to our China policy as trade, security and human rights. China is entering an environmental crisis that will affect the whole world, and if we are to help avert a catastrophe we must make scientific cooperation, environmental aid and sales of environmental technology a top priority.

3. *Human Rights*—Pressure for human rights is effective. If my experience is a guide, Chinese leaders have become willing to discuss broad issues and accept appeals for individual prisoners without protesting it as "interference in internal affairs." And there is no doubt that individual prisoners of conscience benefit from appeals by the U.S. government, non-governmental organizations and private citizens.

4. *Trade*—Trade with China will grow more quickly if we press on market access, intellectual property rights and barriers to agricultural products. However, most American business leaders I met said that US government actions like threats to MFN and bans on trade development aid—not Chinese protectionism—are the most significant barriers to the Chinese market.

Engagement With China—

Transcending these individual issues, however, is the imperative that we remain engaged with China. Twenty-five years ago, Mike Mansfield gave the first Mansfield Lecture on International Affairs at the University of Montana. He spoke about American policy toward China, calling it "the great void in the foreign relations of this nation." In that era, we tried to isolate China by refusing to recognize the Chinese government, banning American private travel to China, and imposing a unilateral embargo on trade with China.

Senator Mansfield concluded that the policy was a failure; it did not make the Chinese government more democratic, more respectful of human rights, or more responsible in foreign policy. It would not improve China's record on human rights, it would not open the Chinese market, it would not end the sale of advanced weapons to unstable countries, and it would not protect the environment. And today, unlike 1968, it would have serious consequences for our economy.

During my visit I told Chinese officials, as an opponent of legislative conditions on Most Favored Nation status, that the conditions President Clinton placed on MFN status this May were achievable and were not designed to provoke a crisis; but that they are also serious conditions. My hosts received me hospitably and discussed this and other sensitive issues without rancor. I believe they understand this message and are prepared to take some steps to meet the conditions.

But four months have gone by, and I would say that at this point, China has not made the "overall significant progress" required by the Executive Order. If this is still the case next May, we will face a difficult and painful decision.

In the coming months, all concerned with China policy—whether in government, human rights and environmental groups, academia or business—must stress the need for further steps on the conditions. And next year, we should resist the temptation to impose conditions beyond those of the Jackson-Vanik Amendment. Instead, as Ambassador Burton Levin told me in Hong Kong, we should recognize that trade is already contributing to freedom and reform in China. And we should let it continue to do so.

TRIP REPORT

I. Introduction

This August I visited Japan, China, Hong Kong and Singapore, accompanied by a delegation of Montana business executives and two staff members. The trip centered on an eleven-day visit to China, beginning August 18th and ending on the 28th. This visit included stops in Beijing, Chengdu, Lhasa, Hong Kong, Guangzhou and Shenzhen.

A. *Trip Goals:*

My goals were as follows:

(1) to stress to Chinese officials the importance of meeting the President's MFN conditions;

(2) to seek opportunities for cooperation in trade and environmental protection;

(3) to push for a more balanced trade relationship; and

(4) to discuss human rights issues, including both broad questions and individual priority cases.

B. *Conclusions*—

The central conclusion I drew from this trip is that, for reasons of national interest and sound policy, the United States must remain engaged in Asia in general and China in particular. Failure to remain engaged would harm our interests in terms of economic and commercial goals, environmental protection, national security and human rights.

More specifically, I make four recommendations:

1. *MFN Conditions*—First, MFN status is good for both America and China. The commercial benefits of trade with China for the United States are obvious; and open trade promotes human rights as well as prosperity in China. President Clinton imposed achievable conditions on China's MFN status last June, and should hold China to those conditions. But if China meets them this year, I do not believe it would be in our interest, or serve the cause of human rights in China, to renew the Executive Order or impose new conditions.

2. *Environment*—Second, environmental protection must become as important a part of our China policy as human rights, security and trade. China is undergoing an environmental crisis as spectacular as its economic growth. We must make scientific cooperation and sale of environmental technology a top priority. To this end, we should immediately end restrictions on environmental aid to China.

3. *Human Rights*—Pressure for human rights is important and appropriate. U.S. advocacy of human rights has helped win freedom for individual dissidents and put human rights permanently on the international agenda. If my experience is a guide, Chinese leaders have become willing to discuss the issue, accept appeals for individual prisoners, and discuss the Tibetan question without protesting on the grounds of "interference in internal affairs." The problems are real, we can win improvements, and we should continue to push for them.

4. *Trade*—The economic benefits of US-China trade are already important, and will grow it we continue to press on market access, intellectual property rights and barriers to farm products. But U.S. business considers US government actions like the MFN conditions and bans on trade development aid—not Chinese protectionism—the most significant barrier to the Chinese market. Progress on exports will remain slow if we continue these policies indefinitely.

A more detailed discussion of these issues and several other questions follows.

II. MFN Status for China

One of my main goals was to stress to China's leaders the importance of meeting President Clinton's MFN conditions. I raised this with virtually every official I met. I attempted to make clear that, as an opponent of legislation to condition MFN status, I view the conditions as achievable and not designed to provoke confrontation; but also as serious conditions which may lead to revoking MFN next year. I urged the American business community to Beijing and Hong Kong to do the same.

A. *Current MFN Situation*—

I left China feeling that the people I met understood, and would take steps to meet the conditions. Time will tell whether I am correct. But as of today, I do not think China has made "overall significant progress" on the conditions in the Executive Order's second section, and may also not be in full compliance with the Memorandum of Understanding on prison labor exports.

Should this be the case next May, the President will have to decide whether to revoke MFN. Renewing MFN might damage U.S. foreign policy credibility. On the other hand, revoking it would harm both commercial interests and our long-term prospect of good relations with China. The latter may not be of overriding importance in itself, but would gravely damage prospects for cooperation on the environment, regional security issues, weapons proliferation, the UN Security Council, immigration, protecting intellectual property and other areas.

Furthermore, as trade with China grows, the cost of revoking MFN will grow with it. Year by year, it will cost more jobs and do more harm to the U.S. and Chinese economies. This would also be a blow to freedom in China. Economic growth and reform are making the lives of China's people better. Chinese people are freer to travel, meet foreigners, and in general to make decisions that affect their lives than at any time since the foundation of the People's Republic. Trade with the U.S.—thus retention of

MFN—promotes this growth of freedom; and conversely, crippling our trade would hurt it. Thus, I very strongly believe that after this year we should move beyond the MFN issue.

B. *Recommendation*—

The President's Executive Order has broad support in the United States. While it has not brought overall significant progress thus far, we should continue to hold China to its conditions. But after this year, we should not renew it or impose new conditions on Most Favored Nation status.

III. Make Environment a Top Priority

A. *The Chinese Environmental Crisis*—

China's economic growth is a well-known phenomenon. Its environmental consequences are less widely recognized. Yet the Chinese environmental crisis is as important to U.S. interests as trade, security and human rights, and it should be an equally central focus of our China policy debate. The following are only some examples of the problem:

When I visited Tokyo, MITI's Vice Minister for International Affairs told me that the sulfuric acid created by coal-fired Chinese power plants threatens not only China but Korea and Japan. Qu Geping, Chairman of the Environment Committee of the National People's Congress, agreed and said it already hurts Chinese agriculture.

By 2010, if coal power capacity grows at its projected annual rate of nearly 10%, China will become the world's largest contributor to global warming.

The Yellow Sea is seriously threatened. A foreign Service officer I met told me that the water in Dalian harbor is dyed an unnaturally brilliant blue by cobalt discharges from a local factory.

Water pollution is at crisis levels throughout China. Guangdong Governor Zhu Senlin said, for example, that only six of the twenty largest cities in his province have wastewater treatment plants.

Affluence is also causing rapid loss of biodiversity. Our current dispute over Chins's "medicinal" use of rhino horn and tiger bones is an example. Guangdong Province's legislature outlawed hunting last month to stop local restaurants from buying wild animals for expensive dinners.

Other problems are equally serious. Deng Nan and Qu Geping cited river siltation; deforestation; sewage treatment; urban smog as auto ownership grows by 12% a year; consequent high incidence of respiratory disease; noise pollution; and other areas as well.

China needs and will accept help on these problems. Mr. Qu told me China has quadrupled the proportion of GNP devoted to environmental protection since the early 1980s from 0.2% to 0.8%. But while I think the central government appreciates the gravity of the crisis—the State Science and Technology Commission has even translated Vice President Gore's book "Earth in the Balance" into Chinese—as economic reform proceeds the growing power of provinces and localities will make it harder to enforce environmental laws. An example is the recent riot in Gansu province, caused by a local factory's refusal to stop emissions of hazardous waste and the local government's inability to enforce the law. As the economy grows—even if at a lower rate than the 13.9% so far this year—the crisis will worsen.

Environmental experts like Qu Geping and Deng Nan, along with political leaders like President Jiang Zemin, Sichuan Governor Xiao Yang and Guangdong Governor Zhu Senlin agreed with this analysis. They were also eager for more scientific cooperation and purchases of mid-level environmental technologies from American firms. Deng Nan cited clean coal technology and R&D assistance as top priorities. Qu Geping suggested legal exchanges with American environmental legislators and lawyers. We should do all we can to meet these requests.

B. *Environmental Technology Sales*—

This offers American business and science an important opportunity. By promoting sales of clean power plants, waste water treatment, sewage treatment, environmental monitoring equipment and hazardous waste cleanup, we can both help protect the Asian environment and promote economic growth in America.

Some immediate opportunities include:

Power—China plans to nearly double its power capacity, from 165 gigawatts to 300 gigawatts, by the year 2000. This will mean $90 billion in capital spending. Today China's coal-powered plants produce sixteen million tons of sulfur dioxide a year. American technology can make sure this contributes as little as possible to acid rain and global warming.

Mass Transit—Fourteen Chinese cities plan to build light rail systems within the same period.

Agriculture—Sichuan Province agricultural officials told me their province suffers from runoff of pesticide residues and contamination of groundwater. To solve these problems, they expressed great interest in both low impact chemicals and non-chemical pest control technology developed by American agricultural science.

American business should take all of these very seriously. There are many more. Conversely, of course, breaking trade relations by revoking MFN would make environmental technology sales very difficult.

C. *End Restrictions on Environmental Aid to China*—

The U.S. government must make environmental cooperation and technical assistance a top priority. We already have several successful, albeit underfunded, joint US-China environmental projects. For example, EPA is working with a Chinese company in Beijing to produce an energy-efficient mass-market refrigerator that does not use chlorofluorocarbons. EPA also has joint projects with China to find ways to capture methane from coal beds for fuel, and to develop energy-efficient lighting systems for Chinese buildings.

These are important and worthwhile programs. But we also ban some forms of environmental aid, because the Agency for International Development is now forbidden from spending money in China. This means, among other things, that the Asian Environmental Partnership cannot operate in China. Hong Kong consular staff told me that Guangdong Province officials have come to the consulate for environmental advice from AEP and had to be turned away.

This ban has no good effects. It hurts US business, which loses a chance to market environmental products; ordinary Chinese people, who suffer from pollution; and Hong Kong and neighboring countries. And it does nothing to promote human rights or political reform.

As a general principle, I believe we should consider environmental assistance as a nonpolitical issue, much as we view disaster relief or medical aid. And at a time when US-China relations are dominated by rancorous conflicts over number of issues, the Administration has a chance to show a positive side to the relationship by lifting the ban on AID money for environmental purposes. I am informed that this can be done by executive action—in fact could be done before President Clinton meets President Jiang at the Seattle APEC Conference. I strongly urge the Administration to take this opportunity.

IV. Human Rights

A. *Discussions with Chinese Officials*—

I raised human rights with most of the officials I met. I gave lists of specific prisoners of conscience to President Jiang Zemin, Justice Minister Xiao Yang, and Deng Nan, all of whom accepted the appeal; and I gave a separate list of Tibetan prisoners to Tibet's Deputy Party Secretary Raidi, asking him to pass it to Party Secretary Chen Kuiyuan. I also raised broader issues, including the possibility of giving Red Cross access to prisons and abolishing "counter-revolutionary" crimes.

With few exceptions, they discussed these issues in depth and without rancor. While I won no promises of improvement, I also got no angry lectures on sovereignty or internal affairs. I also encountered some signs that changes might be possible.

Justice Minister Xiao Yang, for example, conceded that "hundreds of cases" of abuse of civil rights occur each year, although he argued that his Ministry is trying to eliminate them and has established a special investigative team on the issue. He also expressed interest in exchanging views on legal issues with American experts—in particular meeting Attorney General Reno—and said the National People's Congress has the authority to change China's prison laws to allow Red Cross visits.

B. *Discussions with Dissidents*—

I also spoke with exiled dissident leaders in Hong Kong. My talks with them indicated that while there has been no dramatic deterioration in China's treatment of dissent or in prison conditions, neither has there been any dramatic improvement since the Executive Order last May.

Many dissidents argued strongly and persuasively that American pressure on human rights has had an effect on Chinese leaders, and led to release or better treatment of many prisoners of conscience. It is very hard to believe, for example, that the release of Wei Jingsheng just before the Olympics decision would have occurred without years of action on his behalf by Chinese, American and other human rights activities.

But no dissident said revoking MFN would promote human rights or political reform. Rather, those who spoke of the issue said economic contact is good for human rights. Labor leader Han Dongfang, for example, said American companies in China can help promote worker rights and more reasonable labor-management relations. He also said that while he viewed MFN as an internal American policy issue, as a Chinese citizen he hoped China would keep its MFN status.

C. *Trade and Human Rights*—

Pressure by US government officials and private human rights groups promotes human rights in China. I strongly support President Clinton's effort to make it a more prominent part of our foreign policy, and our China policy in particular. However, we will make a tragic mistake if we fail to recognize that trade and economic engagement are not neutral—that in fact, they promote human rights and political freedom.

Former Ambassador to Burma and Hong Kong Consul General Burton Levin noted that economic reform has already given Chinese an unprecedented degree of personal freedom in daily life. He argued persuasively that in time—as in Taiwan and South Korea—trade and economic growth will help create a strong middle-class constituency for human rights and democracy.

Using MFN status as a tool may resolve some individual priority cases. That is no small accomplishment. But a genuine transformation in Chinese government can only come through internal processes. Using MFN to create these processes is unlikely to succeed. At the same time, it risks cutting off trade, hurting the economy and costing jobs in both countries, and retarding rather than promoting changes.

D. *Political Reform in China and Hong Kong*—

1. *Prospects for Political Change in China*—To this date, China's economic reform has not been matched by political reform. And China's economic performance over the past few years has made it fashionable in Asia to argue that economic reform must precede political change, and that the "Chinese model" of transition from communism is superior to the Russian model.

I do not agree. Rather, I believe failure to make political reforms ensures a fundamentally unstable political situation. This May's riot in Renshou County, just south of Chengdu, shows a possible consequence of leaving people no peaceful way to make changes in government. Should China's economic growth slow, failure to make political reforms may have serious consequences.

2. *US Options in China and Hong Kong*—There is relatively little the United States can to promote change in China proper. Our attempts to "change China" over the past century have been futile and often dangerous. But we could take at least two modest and appropriate steps.

One is proceeding with plans to expand broadcasts of accurate and unbiased news to China, through expanded VOA service or the proposed Asian Democracy Radio. The other is showing public support for democracy in Hong Kong.

As I said to the U.S. Chamber of Commerce in Hong Kong, Governor Patten's reforms are morally right and—in that they will guarantee the rule of law after 1997—make good business sense. Public support for this process from the United States, through the Hong Kong Policy Act and when appropriate elsewhere, will help.

V. Tibet

A. *Description of Tibet Visit*—

My visit to Lhasa contrasted with the other stops in almost every way. First, local authorities were plainly not eager to meet with me. I made repeated requests to meet the top official, Tibetan Communist Party Secretary Chen Kuiyuan, but was told on my first day in Lhasa that he was busy, and on the second that he was not in town. I was given only two meetings, and those were scheduled late in the afternoon on the second day of my stay.

Second, my hosts tried hard (and generally successfully) to control my movements and limit my freedom to speak informally with ordinary people. Whenever I left the hotel, in fact, police and minor local officials separated me not only from Tibetans but from my staff aides and the Chengdu consular officer who accompanied me to Lhasa.

Obviously these efforts limited the value of my stay in Lhasa. Despite this, I noted many troubling signs. There is a large military presence in and around Lhasa. At least two plainly obvious video cameras are mounted on buildings in the Barkhor area. When I was taken to visit the Jokhang Temple in central Lhasa, the market square in front of the temple was filled with plainclothes police. Tibetan Deputy Party Secretary Raidi gave me a much more hard-line view of Tibetan policy than did President Jiang Zemin, appearing to rule out not only independence for Tibet, but any modest move toward greater autonomy. All in all, it was an unsettling visit.

B. *Tibet and MFN*—

The President's Executive Order calls for "preserving the distinctive religious and cultural heritage of Tibet." On balance, I would say China is meeting this condition. There are clear efforts to renovate historic buildings like the Jokhang Temple and the Potala Palace. These employ Tibetan craftsmen and unskilled workers. Religious shrines openly display pictures of His Holiness the Dalai Lama, and merchants sell such pictures on the street. Last July China opened a dialogue with the Dalai Lama's elder brother. I am told that new monasteries are opening and accepting monks, and there were obviously fairly large numbers of monks at the Potala, the Jokhang and on the street.

It is harder for me to judge the degree of ethnic Chinese presence in Tibet. There is clearly a large Chinese presence in Lhasa. The city has many new buildings—although many of them appeared unused. There is an empty industrial park outside Lhasa. And there are many newly opened shops and restaurants. I cannot comment on the reasons for this influx or whether the Chinese government actively promotes it. But I do believe it causes great resentment among Tibetans; and if Lhasa is an example of Tibet as a whole, it is quite likely the principal threat to Tibetan culture.

C. *US Policy*—

Present U.S. policy calls for genuine autonomy for Tibet with the PRC and talks without preconditions between China and the Dalai Lama. It would be highly irresponsible, and likely damaging to the Tibetan people, if we went beyond this to give China the impression that we hope to break up the PRC. President Clinton's policy stresses concern for human and minority rights, but does not make promises we cannot fulfill. This strikes the right balance and I support it.

VI. Weapons Proliferation

I did not discuss proliferation in detail in any of my meetings, although the issue did come up in my talk with Foreign Minister Qian. However, the M-11 missile question and the *Yin He* case both came to a head while I was in China.

There was obviously a mistaken intelligence report at some point in the evolution of the *Yin He* dispute. But given this mistaken information, the Administration took appropriate action. I also endorse the sanctions imposed in retaliation for the alleged M-11 sale. It is healthy that we treated both specific cases outside the MFN framework, and I do not propose any change in our policy on the general issue of proliferation.

However, the strategic goal of nonproliferation policy is to reduce the chance of war and its bloodiness should it come, not ensure compliance with international conventions for their own sake. While it is essential to hold China to its word on these conventions, I am somewhat concerned about concentrating only on weapons of mass destruction. Chinese arms sales to Burma, Iran or other outlaw governments may be more like to cause war and suffering than, for example, the alleged M-11 missile sale to Pakistan. We should not allow the tactical goal of adherence to MTCR or other international treaties to obscure the main goal of reducing the risk of war.

VII. Trade Issues

A. *What is Right in US-China Trade*—

Our debates over US-China trade policy focus heavily on problems. That is not inappropriate, because there are many problems to solve. But we should remember the larger fact—China is the world's fastest growing major market and supports a huge number of jobs in the United States. No other country will give up this market for any reason. Neither should we.

Some statistics show how important this market is:

China's economy grew at 12.8% last year and 13.9% for the first six months of this year.

157,000 American jobs depend on exports to China. That will grow as China imports capital equipment, farm products, medical technology, aerospace and environmental products.

China now supports 5,272 U.S. investment projects.

U.S. companies pledged $8.1 billion in investment in China last year.

In the first six months of 1993, the United States exported $4 billion worth of good to China.

In 1992, American firms signed Chinese contracts worth $3.1 billion—a figure five times that of 1991.

These figures show that many things are right in US-China trade. And some of the problems that do exist are caused by the U.S. government. That said, it is clear that unfair practices on the part of China and Chinese firms contribute to a growing trade deficit, and reduce opportunities for American exports.

Based on discussions with Chinese trade officials, American commercial staff and American business leaders, I draw the following conclusions on our trade policy:

B. *MFN*—Again, the U.S. business community believes the MFN dispute is the largest single barrier to the Chinese market. Threatening MFN status makes life uncertain for U.S. business and weakens our exporters in comparison with those of other countries. If China meets the President's MFN conditions this year, the best way we can assist American exporters is to move beyond the MFN question.

C. *COCOM*—Chinese officials consistently raised our COCOM restrictions on high technology exports as a reason for the trade deficit. In actuality, however, these restrictions cover only very small percentage of potential exports. We have legitimate security concerns about Chinese sales of dangerous technology, and until we are confident that they will cease these sales, COCOM per se will not be outmoded. However, a small fraction of an annual export total of $8 billion is a significant amount of money. That fraction of our export also represents a toehold in the most rapidly expanding high-tech markets. COCOM should not be abolished, but needs thorough review and overhaul.

D. *Export Assistance*—Lack of US government export assistance also creates problems for US firms. This is the case, for example, in the bidding for the Guangzhou Metro contract. In this competition, the U.S. China Transit Group, and American consortium, is bidding for $350 million worth of business, virtually all of which would be export of U.S. manufactured goods. USCTG is at a disdvanatge because the German government can provide soft loans and training for Chinese Metro employees while the US government cannot make a comparable offer.

Export and investment assistance through the Trade Development Agency and OPIC were banned after Tiananmen Square, along with money provided under AID. That was an understandable and appropriate action at the time. However, in practice this ban has had

no appreciable effect on human rights. We should seriously consider lifting it.

E. *Bolster Foreign Commercial Service*—Regardless of our decisions on OPIC and TDA, we need greater US diplomatic involvement in promoting trade. Asia as a whole, and China in particular, are the world's fastest-growing markets, and we are not paying enough attention to the commercial implications of the fact for the United States.

The Foreign Commercial Service in particular is understaffed, given China's importance as a trade partner and business opportunity. China has only eleven FCS officers—on average, one for every 100 million people. They are doing very good and important work; but they badly need reinforcement.

Six of these are in Beijing; only two in Guangzhou, the center of South China's economic boom. Hong Kong, one of the economic centers of the world, has only three FCS officers. The Chengdu consulate's commercial officer (no FCS officer is present) must also cover economic and political developments in Sichuan, Guizhou, Yunnan and Tibet. Sichua alone is as big as the combined populations of Britain and France.

F. *Market Access*—Market access remains a problem, but it seems at least highly possible that China will meet most of its October 10th deadlines for tariff cuts and publication of import regulations. I believe USTR and the Administration as a whole have made the importance of these deadlines clear to China, and I tried to reinforce that message personally in meetings with a number of Trade Ministry officials. We should continue to make clear to the Chinese that we are ready to retaliate if they do not respect these deadlines.

G. *GATT Accession*—GATT accession remains an important goal, and a valuable lever to ensure market opening. We should continue working with China to promote GATT-oriented reforms; and as I have said in the past, we should view GATT membership as a purely economic issue which should not be held hostage to political sensitivities. Just as Hong Kong is a GATT party but not a sovereign state, we should push for Taiwan's entry into GATT as soon as possible.

H. *Agricultural Trade*—Eliminating barriers to farm exports would yield immediate export benefits to the U.S., and should be a top priority. Much of this issue, in particular unscientific "inspection" regulations, is covered in the market access MOU. However, there are at least two issues in which additional pressure could help.

First, on wheat exports, the China claim that TCK smut would affect China's wheat crop is a long-standing barrier to wheat exports with no scientific justification. We should take the opportunity offered by this November's APEC conference in Seattle to ask China to eliminate it, and offer to provide scientific experts from USDA or an independent source if that would help. We should also push for the Chinese to let individual mills buy wheat rather than making all purchases through the government.

Second, we should ask for a sharp reduction in the tariff on beef. Neighboring countries maintain a tariff of about 20%. By contrast, China's effective tariff is now 70%, blocking American beef from an important and rapidly expanding market.

I. *US Policy on Textiles Appropriate*—The U.S. has rightly taken a tough approach on textile transshipment. Chinese firms take unilateral action to exceed China's quota. If they will not stop, we have no choice but to respond unilaterally.

J. *Renew Effort on Intellectual Property.*—Finally, I urge a very strong effort this year to win better enforcement of intellectual property rights, in particular copyright.

China has passed laws, as the Memorandum of Understanding requires; but has made no effort to enforce them. There is still no decision on what penalties to impose for copyright piracy. The National Copyright Administration, its enforcement arm, has only 27 people and is shrinking rather than growing. And evidence of top-level involvement in piracy is mounting. I am told, for example, that the governor of a southern province has a personal financial stake in three pirate CD factories; and that the son of a top military official and the niece of a political leader own a pirate software factory in a southern city.

Our response to China's failure to enforce these laws is a test case for other recent Special 301 "success stories" like Taiwan and Thailand. If China can evade the intent of the listing by passing a law and then failing to enforce it, these countries will be less inclined to enforce their own laws. If enforcement does not improve this year, we should consider a second Priority Foreign Country listing for China.

VIII. Conclusion

The US-China relationship involves many issues. We have common interests with China's government on economic growth, regional security and environmental protection. We have disputes on human rights, Tibetan policy, weapons proliferation and barriers to trade. And we require China's cooperation on still others, like immigration, narcotics and endangered species.

After this trip, I believe more strongly than ever that threatening trade by linking all—or indeed any—of these issues permanently to MFN status is the wrong approach. We will serve ourselves, and the Chinese people, far better if we remain engaged with China, solve our problems one by one, and work together in areas where we can do so.

Mike Mansfield made this point twenty years ago, when he gave the first Mansfield Lecture on International Affairs at the University of Montana. In that era, we tried to isolate China. We refused to recognize the Chinese government, banned private travel to China, and imposed a unilateral trade embargo on China.

Mansfield described this policy as "the great void in the foreign relations of this nation." It made the Chinese government no more democratic, no more respectful of human rights and no more responsible in foreign policy. In my opinion, reinstating a similar policy today by revoking MFN status would also fail—on environmental protection and trade as well as human rights, democracy and foreign relations. And today, unlike 1968, it would have serious consequences for our economy.

During my visit I told Chinese officials, as an opponent of legislative conditions on Most Favored Nation status, that the conditions President Clinton placed on MFN status this May were achievable and were not designed to provoke a crisis; but that they are also serious conditions. My hosts received me hospitably and discussed this and other sensitive issues without rancor. I believe they understand this message and are prepared to take some steps to meet the conditions.

But four months have gone by since the Executive Order was imposed. And I must say that in my judgment, to this point China has not made the "overall significant progress" required by the Executive Order. If this is still the case next May, we will face a difficult and painful decision.

In the coming months, all concerned with China policy—whether in government, human rights and environmental groups, academia or business—must stress the need for further steps on the conditions. Next year, we should resist the temptation to impose any conditions beyond those of the Jackson-Vanik Amendment. Instead, as Ambassador Burton Levin told me in Hong Kong, we should recognize that trade already contributes to freedom and reform in China, as well as to jobs and economic growth in America. We should let it continue to do both.

IX. Appendices

A. *List of Meetings*—

The *Chinese* officials I met included:

President Jiang Zemin;

Foreign Minister Qian Qichen, Vice Foreign Minister for US Affairs Liu Huaqiu, and Ma Zhengang, the Foreign Ministry's Director of American and Oceanian Affairs;

Madame Wu Yi, Minister of Foreign Trade and Economic Cooperation, MOFTEC Vice Minister Tong Zhiguang, and Sun Zhenyu, MOFTEC Director of American and Oceanian Affairs;

Justice Minister Xiao Yang;

National People's Congress Environment Committee Chairman Qu Geping and Vice Chair of the State Science and Technology Commission Deng Nan;

Sichuan Governor Xiao Yang, and officials of Sichuan Province's Department of Agriculture and Animal Husbandry;

Tibetan Autonomous Region Deputy Party Secretary Raidi and Lhasa Mayor Lobsang Thondrup;

Guangdong Governor Zhu Senlin, Vice Mayor of Guangzhou Chen Kaizhi and Vice Mayor of Shenzhen Zhang Hongyi.

My *Hong Kong* meetings included:

Acting Governor Sir David Ford;

Acting Constitutional Secretary Peter Lai;

Acting Secretary for Trade and Industry Regina Ip;

Legislative Council members Martin Lee, Li Wah-ming, Man Sai-cheong, Henry Tang, James Tien, Elsie Tu, Szeto Wah and Wong Yu-hong;

The Hong Kong Alliance in Support of the Patriotic Democratic Movement in China;

Exiled Chinese dissidents living in Hong Kong; and

Leaders of the U.S., Chinese and Hong Kong business communities in Beijing, Guangzhou and Hong Kong.

In *Japan*, I met with:

Minister of Agriculture Eijiro Hata;

Minister of the Environment Wakako Hironaka;

MITI Vice Minister for International Affairs Sazaburo Okamatsu;

Vice Minister of Foreign Affairs Kunihiro Saito;

Officials of the Keidanren; and

Members of the American business community.

Finally, in *Singapore* I met with:

Deputy Foreign Minister Kishore Mahbubani.

B. *Acknowledgements*—

At all times I appreciated the help of our Foreign Service. I give particular thanks to Charge d'Affairs William Breer and Howard Krawitz in Tokyo; Ambassador J. Stapleton Roy and Robert Winship in Beijing; Consul General Don Camp and John Brennan in Chengdu; Consul General Richard Mueller and William Brekke in Hong Kong; and Consul General Eugene Martin and Mike Spangler in Guangzhou. All were crucial to the trip's success.

I am grateful to the officials I met in Japan, China, Hong Kong and Singapore. All

received me with courtesy and discussed highly sensitive issues in an open manner. I extend the same thanks to the dissidents and members of the private sector with whom I met. And I thank the Embassies of Japan, the People's Republic of China and Singapore, the Hong Kong Economic and Trade Office and the Chinese People's Institute of Foreign Affairs, my host organization in China, for their assistance before and during the trip.

Finally, I thank those in the United States who helped me prepare for the trip, in particular Peter Tomsen and Russ LaMantia of the State Department's East Asia Bureau; Lee Sands and Deborah Lehr of the USTR's China and Mongolian Affairs Desk, who came in to brief me before my departure; Terry Patin and the staff of the State Department's Office of Congressional Travel; and my staff members Liz Ching, Ed Gresser and Sharon Peterson.●

BLUE RIBBON SCHOOL OF EXCELLENCE

● Mr. DURENBERGER. Mr. President, this afternoon in the White House Rose Garden President Clinton recognized Hutchinson High School as a "Blue Ribbon School of Excellence." I hope my colleagues will join me in extending my sincere congratulations.

Since 1982, the Department of Education's Blue Ribbon Schools Program has honored those public and private schools throughout the Nation which have exhibited a high level of dedication in their drive toward educational excellence. The criteria for such an honor are multifaceted and take into account student performance on measures of achievement, parental and community support, teaching environment, and student's postgraduation pursuits.

Mr. President, an honor such as this does not happen without hard work and dedication. The faculty, students, and staff of the Hutchinson Public School system have worked long and hard in preparing for the challenges of the 21st century. Their success did not happen overnight, but was the result of years of innovative programs and policies which have led to the creation of a successful educational environment.

The citizens of Hutchinson have every right to be proud of the support which they have provided to the schools of their city. Each and every one of them can now see a return on the investments and sacrifices that have been made when educating the young people of their community.

Again, I congratulate Hutchinson High School on this outstanding achievement and I thank them for allowing us to share in their accomplishment.●

CAREER ACHIEVEMENTS OF ATTORNEY MARILYN PAULA SEICHTER

● Mr. DODD. Mr. President, I rise today to extend my best wishes and congratulations to an outstanding Connecticut citizen and jurist, Ms. Marilyn Paula Seichter, who is being honored by her friends and colleagues today for her many achievements and distinguished career.

After being admitted to the Connecticut Bar in 1970, Marilyn Seichter rose rapidly in the legal profession, trailblazing a path for women attorneys in the powerful corridors of a profession traditionally dominated by men. Through her unstinting devotion to her profession and community, she has carried forth the spirit of social consciousness and activism that thrived during her college and law school years in the late 1960's. Marilyn did not become a lawyer for self-serving reasons; as her record spanning two decades clearly demonstrates, Marilyn became a lawyer so that she could make a contribution.

Marilyn's academic interest in the law has not waned since her student days. Indeed, she has taught courses in family law and related subjects at St. Joseph's College, Manchester Community College, and Hartford College, and has lectured at seminars and conferences sponsored by the American Bar Association, the Connecticut Trial Lawyers Association, and the University of Connecticut School of Law Alumni Association. During her years as a Hartford lawyer, Marilyn has developed an expertise in family law—an expertise that she has used to help countless task forces and panels study the legal system and make recommendations for change. She has brought her prodigious legal skills and enlightened leadership to bear in many important forums, including: the State Ethnics Commission, Chair, 1977 to 1978; the Connecticut Women's Education and Legal Fund, 1982 to 1983; and, the Glastonbury Human Relations Commission, Secretary, 1975 to 1978.

Marilyn Seichter's long list of professional affiliations underscores her commitment to maintaining the integrity and responsibility of the legal profession. She served as president of the New England Bar Association from 1991 to 1992; as president of the Connecticut Bar Association from 1989 to 1990, after years of service to that professional organization; and in a variety of positions within the American Bar Association [ABA]. She has been an ABA delegate to the house of delegates since 1988 and has actively participated in several ABA committees and councils. To name but a few, Marilyn chaired the marriage and family counseling and conciliation committee from 1984 to 1986; was a judge for the Schwab Memorial Award essay contest from 1983 to 1988; was a representative from Connecticut and New Hampshire on the young lawyers executive council from 1976 to 1980; and sat on the individual rights and responsibilities executive council from 1978 to 1980, and the mediation and arbitration executive council from 1984 to 1985.

Attorney Marilyn Paula Seichter's unparalleled record of professional achievement in two short decades has earned her the lasting respect of her colleagues. To them and to many young attorneys just beginning their careers, she exemplifies integrity, perservance, and idealism. I am honored to count Marilyn Paula Seichter among my most distinguished constituents and wish her continued success.●

NATIONAL BIBLE WEEK

● Mr. ROTH. Mr. President, November 21–28, 1993 marks the 53d anniversary of the nonsectarian observance of National Bible Week, sponsored by the Laymen's National Bible Association. I am proud to serve as congressional cochairman of National Bible Week this year, along with Representative EARL HUTTO of Florida. I am pleased to follow in a long tradition of congressional support for National Bible Week.

In 1940, the founders of the Laymen's National Bible Association were spurred into action by the rise of godless ideologies of the far right and the far left in Europe and Asia. They felt that if these notions were accepted in the United States of America, they would threaten to undermine the very fabric of our national life. The founders of the Laymen's National Bible Association reasoned that an awareness of America's heritage and a renewed commitment to the religious qualities that are at the core of the American way of life were needed in the fight to counter such ungodly values. They organized a committee which later became the Laymen's National Bible Association, the group responsible for the first National Bible Week in 1941. That year, and each year since, the observance of National Bible Week has served to remind Americans of the importance of Bible reading and study. National Bible Week also heightens awareness of the Bible's role in the building of our great country.

This year, as every year, it is important to remind all Americans of the Bible's significance to individuals and to the history, life, and cultural or our Nation. We too soon forget the influence of the Bible on the development of our Nation's values and institutions. Millions of Americans have sought and continue to seek comfort, hope, and guidance from the Bible.

The sponsors of National Bible Week ask that all Senators alert their constituents to observe National Bible Week and to encourage the reading of the Bible. I ask all my Senate colleagues and the American people for a renewed commitment to helping the Nation regain a sense of moral awareness and spiritual identity through personal daily reading of the Bible.●

GUN VIOLENCE CONTINUES

• Mrs. MURRAY. Mr. President, gun violence continues to spread throughout our country. President Clinton observed in a recent speech that in some cities the kids are better armed than the police. In Washington State, the problem is not confined to urban areas. As the following editorial from the Spokesman Review says, two teenagers in Spokane, WA, died recently and one remains unconscious because of accidents involving guns. With the crime bill on the horizon, I urge my colleagues to read this thoughtful editorial, and ask to have my statement and the editorial printed in the RECORD.

The editorial follows:

[From the Spokesman-Review, Oct. 9, 1993]

WE ALL MUST AIM FOR A FRESH SLANT ON GUNS

"Guns don't kill people; people kill people."

What a crock.

Americans need a new ethic toward firearms—an ethic more thoughtful and more connected to reality than the inane bumper-sticker slogans of the National Rifle Association.

During the past two months, accidents involving firearms snuffed three Spokane area teenagers. Two are dead. The third lies unconscious in a hospital room, kept alive by tubes and machines.

All three young people—and a vast legion of others—would today be bursting with life and hope, but for the presence of a firearm.

Merely by their presence, guns change things. Relatively minor crimes turn into major ones. Arguments turn into life-of-death confrontations. Fights turn into murders. Childish larks dissolve into sudden scenes of blood and indelible horror. Simple carelessness turns into a death sentence.

Guns are entirely too present in America today.

We know what the Second amendment says. The Second Amendment was intended to preserve a citizen militia—not to feed societal self-destruction.

We are not necessarily proposing a change in laws, though further changes are in order. We are proposing a change in attitudes.

The country is caught in a dilemma. Heavily armed young criminals, coupled with an ineffective criminal justice system, coupled with stubborn social problems, all combine to make law-abiding people fear for their safety. Frightened people buy guns.

But do those guns make us safer? They might make us feel safer. Certainly they make us feel more powerful.

Yet in moments of conflict and tension, guns aren't a solution, they're a problem. People who draw them are diverted from more mature solutions involving intelligence, thoughtfulness, compromise and relational skill.

Can reason and intelligence, alone, protect people from crime? Not always. But they can save lives more often than firearms will.

The New England Journal of Medicine published a study this week which found that a gun kept at home is far more likely to endanger the inhabitants than it is to protect them.

Researchers analyzed 388 homicides that occurred in urban homes in three states. Three out of four victims were killed by relatives or people they knew. Half died in quarrel or romantic triangles.

The researchers also determined that those who kept guns at home were three times more likely to be murdered than those whose homes were gun-free.

It is a murderous lie to claim as gun fanatics do that the easy availability of firearms has no bearing on the amount of violent crime and horrible accidents.

For long enough, our culture has treated firearms as if they were a neutral commodity, a symbol of freedom, a security blanket, an object of political worship.

For example, Spokane Police Chief Terry Mangan insisted the other day that this community must recycle the guns criminals use—auctioning them to raise a few extra bucks for the local treasury. Heck, they're only guns.

That's crazy. It's sick. It springs from a common national attitude which has got to change.

Guns do kill people. Too many people.•

1993 INTERIM NATIONAL DRUG CONTROL STRATEGY

• Mr. D'AMATO. Mr. President, I rise today to again discuss the war on drugs. I would like to comment on the submission of the 1993 Interim National Drug Control Strategy, which was released yesterday.

The report that National Drug Control Policy Director Lee Brown released is, just as its title suggest, interim. This report is full of what should be done, and what can be done, with few suggestions of what will be done. It is more a promotion for the administration's health care proposal and its recently passed National Service bill, than any real plan to carry on the drug fight. While stating that it is the administration's goal to fight drugs through crime control, the strategy offers the ill-conceived strategy of gun control, not real crime control.

While reading the interim report, I have to ask, where are the plans to cut demand, aid prevention, cut supply, and protect citizens?

Mr. President, these questions must be answered, and programs must be implemented, if we are to win the battle against drugs. Many of my colleagues and I are very concerned as to the direction of the drug war, and this interest was expressed at yesterday's Judiciary Committee hearing with Dr. Brown.

Reaction to the interim report was detailed in both the Washington Post and the New York Times. In light of this, I ask that both articles, "Senators Say Drug Plan Needs Quick Fix or Else," from the Washington Post; and "Clinton Sets Out To Combat Drugs By Rehabilitation," from the New York Times, be included in the RECORD at the conclusion of my remarks.

As I have stated in the past, the administration must not only talk a good game in regard to the drug fight, but it must act and act decisively to not only reduce the demand, but also to reduce the supply of illegal narcotics.

If we fail in this war, we fail completely. For our children and the Nation, the administration must not give up on the fight, as it appears to be doing in its present report.

The articles follow:

[From the Washington Post, Oct. 21, 1993]

SENATORS SAY DRUG PLAN NEEDS QUICK FIX OR ELSE

(By Michael Isikoff)

The Clinton administration's anti-drug policies came under sharp attack from the Senate Judiciary Committee yesterday, with key members warning White House drug policy director Lee P. Brown that his office may be scrapped if it is not quickly given more staff and authority.

The bipartisan criticism came as Brown presented the panel with an "interim anti-drug strategy that he said marked a "new way of looking at America's substance abuse problem" by giving more emphasis to treatment and prevention programs.

But before he began his remarks, Sen. Orrin G. Hatch (R-Utah), ranking minority member of the panel, dismissed the interim strategy as a "major disappointment" and charged the administration was "turning the clock back on drug control, slipping inexorably into the old permissiveness of the Carter era."

Citing staff cutbacks by the White House that have reduced Brown's office to 25 employees, Hatch told him: "I think it's ridiculous they've done that to you . . . You're being hamstrung by an administration that doesn't give a damn."

Committee chairman Sen. Joseph R. Biden Jr. (D-Del.) initially praised the plan for focusing on the problems of hard-core drug addiction. But after Brown departed, Biden said: "At a minimum, this administration has not paid enough attention to this problem. At a maximum, it is evidence of a continuance of a Bush strategy, which is, 'If I don't talk about it, it might go away.'"

Those comments yesterday reflected what Senate aides say has been a growing perception on Capitol Hill that President Clinton may soon become politically vulnerable on the drug issue. The new strategy was designed in part to address that, warning that the country was "still in the midst of a drug epidemic" and promised stepped up efforts for both law enforcement and treatment programs for addicts.

But Brown aides were rebuffed in recent weeks when they sought to persuade the White House to make time on Clinton's calendar for a major public announcement of the strategy, according to administration sources. In recent days, critics have charged that the new policy lacks teeth because it neither pledges additional funding for anti-drug programs nor recommends shifting resources among existing programs.

Brown said such recommendations were impossible before work is completed on next year's budget. When the committee asked him to prepare an interim strategy, "it was understood that we would not have the details," Brown said.

Brown also defended the effectiveness of his office, noting he had successfully worked to restore cuts in treatment programs approved earlier by the House.

Although Clinton has designated Brown a member of his Cabinet, committee members expressed doubts he has sufficient clout. Biden, legislative author of the drug office, noted its five-year statutory authority is about to run out. If the administration doesn't provide more staff and powers, "I

predict to you you'll have rough sledding up here in terms of reauthorization. Let the word go forth, they better give you some teeth and some money. . ."

Sen. Dennis DeConcini (D-Ariz.) said he was also "very dubious" about reauthorization. "You're in a very difficult position, with not much authority and I consider not much support from the administration," he told Brown.

Adding to the criticism yesterday was former drug policy director William J. Bennett, who accused the administration of "doing a no-show on this issue . . . If we had come up here with a drug strategy" that didn't seek more funding, "I think you would have killed us."

[From the New York Times, Oct. 20, 1993]

CLINTON SETS OUT TO COMBAT DRUGS BY REHABILITATION

(By Joseph B. Treaster)

WASHINGTON, Oct. 20.—President Clinton issued a national drug strategy today that echoed his campaign promises to increase drug rehabilitation but provided no details about how the plan would be paid for or carried out.

While acknowledging that the plan was short on specifics, the President's senior drug policy aide, Lee P. Brown, defended it as a blueprint of the Administration's intentions that would be refined in a new drug budget next February.

In a 31-page report that Mr. Brown released today, the Administration promised to focus on providing treatment for hard-core drug users and on dampening drug-inspired violence. The proposal suggested that rather than dealing with drugs in isolation, it would try to address them through such underlying social issues as housing, education, jobs and health care. He said the Administration also hoped to increase treatment in the nation's prisons, where 70 percent of the 1.4 million inmates have drug problems.

SHIFTING OF MONEY

Mr. Brown, the former police commissioner of New York City, said the Administration intended to shift money away from heavily criticized efforts to intercept smugglers at the borders and on the seas and to increase financing for training of police and criminal justice officials in foreign countries.

But he gave no specifics. In an exchange with an increasingly testy panel of senators this morning, he refused to say whether the Administration planned to change the longstanding practice of directing 70 percent of Federal antidrug spending to law enforcement and 30 percent to treatment.

And while Mr. Brown described the strategy as a "new direction" and a departure from the heavy reliance of Republican administrations on law enforcement, he said in an interview: "We want to make clear we are not going to downplay law enforcement."

WIDESPREAD CRITICISM

Mr. Brown said that, as Mr. Clinton pledged in the Presidential campaign, the Administration intended to help cities put more police officers on foot patrols in what is known as community policing. In addition, he said, in an effort to restore credibility to the criminal justice system the Administration would seek ways to end the practice of punishing only the worst drug offenders, while those arrested for the first or second time on minor charges receive little or no penalty.

The Administration's plan was met with criticism today from Democrats, Republicans and drug experts who condemned the strategy as inadequate and symbolic of a general neglect of the problem by the President. They pointed out that the strategy had been delivered nine months after a deadline set by Congress and said that while hardcore drug use has been increasing and young teenagers are once again being attracted to marijuana and LSD, Mr. Clinton has rarely spoken out on the drug issue since taking office in January.

Criticism of President Clinton for failing to engage the drug issue has been growing among drug experts across the country. But the outburst today on Capitol Hill was the first from lawmakers and seemed particularly significant since it came from not only opponents of the President but also members of his own party.

"We desperately need Presidential leadership," Representative Charles E. Schumer, a Brooklyn Democrat, said at a hearing by the Senate Judiciary Committee on the drug strategy this morning.

Some drug experts interviewed today noted that despite Mr. Clinton's campaign promises, he presented a $13.1 billion anti-drug budget in March that was nearly a carbon copy of the last one by the Bush Administration, which devoted roughly 70 percent of the money to law enforcement and the balance for rehabilitation and anti-drug education. Later, he agreed to Congressional proposals to cut $243 million in treatment and anti-drug education funds from the budget.

Mr. Clinton did not appoint Mr. Brown as director of the White House's Office of National Drug Control Policy until late April, and Mr. Brown did not begin work until mid-June. The President elevated the drug job to Cabinet level, but as part of a plan to trim the White House he cut the drug office staff to 25 members from 146.

President Bush made a practice of presenting his annual drug strategy at a White House ceremony and many drug experts said those events, as well as Mr. Bush's frequent condemnations of drugs, contributed significantly to the decline in casual drug use. In contrast, Mr. Clinton posed for a photograph with Mr. Brown at the White House yesterday but left the job of presenting the strategy to Mr. Brown.

Today, after members of the Senate Judiciary Committee repeatedly tried without success to get Mr. Brown to elaborate on the Administration's plan, the panel's chairman, Senator Joseph R. Biden Jr., Democrat of Delaware, said he did not think "the Administration has taken this seriously enough."

"I hope," he added, "that they are just getting to it. But I can't look the American people in the eye and say that with certainty."

Returning to another theme struck in the Clinton campaign, Mr. Brown said the Administration was firmly against legalization of drugs, a step that some advocates have said would result in regulated distribution and would eliminate gang-warfare over illicit profits.

In a debate during the campaign last year, Mr. Clinton referred to his brother, a recovering drug addict. "If drugs were legal," he said, "I don't think he would be alive today. I am adamantly opposed to legalizing drugs. He is alive today because of the criminal justice system."

During the Presidential campaign, Mr. Clinton often said, "We ought to have treatment on demand." Experts say that doing so would cost millions if not billions for the estimated four million to six million people who could benefit from treatment. Currently drug treatment centers can accommodate about 1.4 million men and women.

After unsuccessfully pressing Mr. Brown to explain whether the new strategy meant that financing for treatment would "go up or down next year and by how much," a frustrated Senator Orrin G. Hatch, Republican of Utah, said it was apparent that the new drug strategy was nothing more than a facade.

Mr. Hatch said Mr. Brown was not to blame for the new drug policy, but he said: "You are being hamstrung by an Administration that doesn't give a damm.

Mr. Brown asserted that the Administration was relying on its health care proposals to provide treatment for many drug users.●

A TRIBUTE TO WEST ANCHORAGE HIGH SCHOOL BLUE RIBBON EXCELLENCE IN EDUCATION AWARD WINNER

● Mr. MURKOWSKI. Mr. President, today I am pleased to recognize an award that has been extended to my home State by the Department of Education. West Anchorage High School in Anchorage, AK is one of 260 schools being presented with the Blue Ribbon Excellence in Education Award for its commitment to providing an educational environment that meets the challenges of our ever-changing society. The faculty at West High is noted for its continual pursuit of innovative means to ensure academic and social growth for its students.

The Blue Ribbon Award being presented today to American junior and senior high schools rewards the successful efforts in our schools that often go unnoticed. It recognizes those teachers and administrators who strive to impress upon our children the importance of education and who go the extra step to provide a stimulating environment in which they may learn.

Since its opening in 1953, West High School has grown in step with its surrounding environment. It has continually met the challenge of cultural diversity by improving upon traditional approaches to education, and generating new ideas out of old ones. It is this approach to any new challenge that will help us prepare our children for what lies before them.

The educators at West High strive to recognize the many social pressures that impact our young people today. Actively addressing these pressures in a positive manner results in students who are better prepared to succeed on their own after high school. The West High faculty is committed to providing its teachers and students with the tools to work together to achieve this. I commend this innovative approach to education and view it as a model from which every institution in America can learn.

As a country, we have recognized the need to establish national education goals in order to raise the overall quality of education that our children receive. I applaud the efforts exemplified by the winners of the Blue Ribbon Award to overcome the various obstacles standing in their way of reaching

these goals. This pledge of dedication merits the recognition they are receiving today. Let this demonstration be a reminder to us all that the future of our children depends upon the resources we invest in their education today.●

IOWA NORTHLAND REGIONAL COUNCIL OF GOVERNMENTS

● Mr. GRASSLEY. Mr. President, on the occasion of its 20th anniversary, I would like to congratulate the Iowa Northland Regional Council of Governments [INRCOG]. Organized in January 1973, INRCOG was the first council of governments formed in the State of Iowa.

As a voluntary association of local governments serving the member jurisdictions in Black Hawk, Bremer, Buchanan, Butler, Chickasaw, and Grundy counties, INRCOG has long been recognized as a leader among service and planning organizations. Responsible for coordinating, assisting, and facilitating programs in community and economic development, INRCOG's services have benefited all governmental bodies in the INRCOG region and the State of Iowa.

Through INRCOG, intergovernmental communication and cooperation have flourished and the ability of Iowa communities to plan for their own future has been enhanced. I wish them many more years of successful planning for the future of Iowa's communities, for their efforts will continue to strengthen the backbone of America's governmental system, thus enriching the lives of our citizens.●

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 this country. Today I want to share the story of Mike Paprocki, from Ravenna, MI. Mike and his children have been uninsured since last May when Mike lost his job during a strike at his company.

Mike is 30 years old and the single father of two girls: 8-year-old Jamie and 5-year-old Jorie.

For 12 years, Mike worked at Sealed Power Technologies, a foundry in Ravenna. On May 15, his union, local 421 of the Glass Molders and Potters Union, decided to strike to protect retiree health insurance benefits. During the strike, Sealed Power hired replacement workers who crossed the picket lines. Mike did not have a job to return to when the foundry and the union finally reached agreement in September, 21 weeks after the strike began.

Mike and his children have been uninsured since the strike began in May. Mike cannot afford to pay the $350 monthly premium for COBRA benefits through his former employer because he has not been able to find another job.

Without a job and without health insurance, Mike is struggling to support himself and his daughters. He is now faced with raising his daughters on unemployment payments until he can find another job. He does not want to rely on public assistance but has nowhere else to turn.

Mike is doing all he can to find another job. He worked at another plant for 9 weeks without benefits but was eventually laid off. Odd jobs have not provided him enough security to support his family.

It is important that working parents like Mike Paprocki have a guarantee of health insurance coverage regardless of their job situation. All Americans deserve the peace of mind that guaranteed coverage can bring. I will continue to 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.●

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1994—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate receives a message from the House that the House has agreed to Senate Concurrent Resolution 48, as passed the Senate, that the conference report accompanying H.R. 2403, the Treasury, Postal Service appropriations bills shall be deemed to have been adopted, and the motion to reconsider shall be deemed to have been laid on the table, with the above occurring without any intervening action or debate; and that any statements relating to that conference report be placed in the RECORD at the appropriate place.

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

So the conference report was deemed to have been agreed to, as follows:

H.R. 2403

That the Senate recede from certain of its amendments.

That the house recede from its disagreement to certain amendments of the Senate and agree to the same.

That the House recede from its disagreement to certain amendments of the Senate and agree to the same with an amendment; and the Senate agree to the same.

Signed by a majority of the conferees on the part of both Houses.

CLOTURE VOTE VITIATED

Mr. MITCHELL. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed to H.R. 3167 now scheduled to occur on Monday be vitiated.

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

ORDERS FOR MONDAY, OCTOBER 25, 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3167, Calendar No. 246, at 2 p.m. on Monday, October 25.

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

PROGRAM

Mr. MITCHELL. Mr. President, I would like to inform all Senators of the schedule for the next 2 days' Senate session in light of the agreements just obtained.

The Senate has just completed one of the most productive days of the year, having acted on several major legislative items. That required the cooperation of all Senators, especially those who were directly involved there.

We approved the continuing resolution. We passed the conference report on the Treasury/Postal appropriations bill. We passed the conference report on the Transportation appropriations bill. We passed the conference report on the State, Justice, Commerce appropriations bill. With respect to that, we took all steps necessary to enact it, and the formal act will occur early next week. We passed the conference report on the VA-HUD appropriations bill. And we passed, after more than a week of extensive debate and deliberation, the Department of Defense appropriations bill.

Those were six major legislative actions which the Senate took today. To be sure, the culmination of a great deal of prior work, but nonetheless a very long and productive day.

Accordingly, the Senate will not be in session tomorrow. As previously stated with respect to the agreements on H.R. 3167, the emergency unemployment insurance program extension, the cloture vote on the motion to proceed to that bill will no longer be necessary as we have been able to obtain consent to proceed to the bill at 2 p.m. on Monday.

Mr. President, I am prepared to and do now announce that there will be no rollcall votes on Monday. That is based on the assurance provided me by the acting Republican leader in behalf of our Republican colleagues that at least two Republican Senators with either an amendment or a point of order, both of which are major items, will be present on Monday afternoon to offer those, to be prepared to debate them fully and completely, with the votes on those two matters, one an amendment and one a point of order, to be scheduled for Tuesday.

There may be other amendments offered and debated on Monday but at the minimum there will be these two matters which are major matters, and therefore Senators who wish to participate in that debate should be present.

I appreciate the cooperation that we have had during the day today, and the cooperation of the distinguished acting Republican leader. And I have made this decision based upon those assurances which I know from past experience I can rely on.

Therefore, Mr. President, I repeat the Senate will not be in session tomorrow. The Senate will be in session considering the emergency unemployment insurance program extension on Monday with two major matters to come—at least two—to come before the Senate that day; the debate on those to be completed on Monday; the votes to be scheduled for Tuesday at a time which I will decide and announce on Monday after further consultation with the Republican leader at that time.

Mr. SIMPSON addressed the chair.

The ACTING PRESIDENT pro tempore. The acting Republican leader.

Mr. SIMPSON. Mr. President, I want to thank the majority leader and say that indeed, and the record does disclose that the Senate has accomplished a great deal of business during this week.

Some significant business has been done this week. A significant amount of work. And therefore we do appreciate on this side of the aisle the accommodation of the majority leader. And we have much to do before the adjournment of the Senate. If we continue this schedule as we have, I think we can achieve that.

We on this side of the aisle, on behalf of Senator DOLE, I think we have shown that the best way you show things in this place, with our votes, is to assist this leader and our President.

So we will continue to be in that role. And there will be times when we will not.

We know we will always be treated with basic fairness. That is the essence of our legislative experience and endeavors. So we will have two of our Members here on Monday, and perhaps a third amendment might be able to be used by the majority leader. But, assuredly, there will be two significant, serious amendments presented by two Members of our party, and we appreciate the accommodation of stacking the votes until Tuesday at a time to be announced on Monday, so that the Members will know.

We thank the majority leader, and we will certainly keep our part of the arrangement.

Mr. MITCHELL. Mr. President, I add further that, earlier this evening, the Senate voted on a motion to invoke cloture on the Interior Department appropriations conference report and failed to invoke cloture. A second cloture motion was filed this evening, which will now ripen for a vote on Tuesday. So there will be a vote on Tuesday on that second cloture motion on the Interior Department appropriations conference report, and that will either be, under the rules, 1 hour after the Senate convenes on Tuesday or, more likely, we will reach agreement on another time, which I will announce on Monday at the same time I make a decision on the two votes to which we just referred.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 103–17 AND TREATY DOCUMENT NO. 103–18

Mr. MITCHELL. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from two treaties transmitted to the Senate today by the President:

Tax Convention With the Czech Republic (Treaty Document No. 103–17); and

Tax Convention With the Slovak Republic (Treaty Document No. 103–18).

I also ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

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

The messages are as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Convention Between the United States of America and the Czech Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Prague on September 16, 1993. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Convention.

The Convention will be the first income tax convention between the two countries. It is intended to reduce the distortions (double taxation or excessive taxation) that can arise when two countries tax the same income. It will modernize tax relations between the two countries and will facilitate greater private sector U.S. investment in the Czech Republic.

I recommend that the Senate give early and favorable consideration to the Convention and give its advice and consent of ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 21, 1993.*

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Convention Between the United States of America and the Slovak Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Bratislava on October 8, 1993. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Convention.

The Convention will be the first income tax convention between the two countries. It is intended to reduce the distortions (double taxation or excessive taxation) that can arise when two countries tax the same income. It will modernize tax relations between the two countries and will facilitate greater private sector U.S. investment in the Slovak Republic.

I recommend that the Senate give early and favorable consideration to the Convention and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 21, 1993.*

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

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

The legislative clerk proceeded to call the roll.

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

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

MOST-FAVORED-NATION STATUS FOR ROMANIA

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of House Joint Resolution 228, the joint resolution providing for most-favored-nation status for Romania; that the Senate proceed to its consideration; the resolution be deemed read a third time and passed, the motion to reconsider laid on the table, and any statements thereon appear at the appropriate be placed in the RECORD as though read.

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

So the joint resolution (H.J. Res. 228) was deemed read three times, and passed.

EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PRODUCTS OF ROMANIA

Mr. LAUTENBERG. Mr. President, I would like to engage the chairman of the Finance Committee in a colloquy on this issue of human rights as the Senate considers most-favored-nation [MFN] status for Romania.

Mr. MOYNIHAN. It is quite appropriate that the Senator from New Jersey raises this issue at this time, and I

appreciate his concern. He has been a forceful advocate for human rights in Romania and elsewhere.

Mr. LAUTENBERG. Romania's record on human rights—particularly its treatment of ethnic Hungarians and Gypsies—has in the past generated tremendous concern on the part of Congress, the administration, and the human rights community. Reports from a number of human rights organizations suggest that there is still cause for concern and a tremendous need for improvement.

Mr. President, I ask unanimous consent, that copies of portions of these reports be printed in the RECORD at the conclusion of our remarks.

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

(See exhibit 1.)

Mr. LAUTENBERG. I hope we will see significant progress in the areas outlined in the reports in the very near future.

Mr. MOYNIHAN. I appreciate the Senator's efforts to make those reports available to the Senate as we consider the question of approving nondiscriminatory treatment for Romanian goods. Mr. President, let me make clear that President Clinton has certified to the Congress, as required under the Jackson-Vanik amendment of the 1974 Trade Act, that granting nondiscriminatory treatment to Romania will substantially promote freedom of emigration there. Human rights conditions in Romania have improved. But that does not mean that ethnic strife has disappeared. Fourteen years ago, in a statement before the Finance Committee, I noted that the most destabilizing phenomenon in the world was ethnic conflict. For decades to come we will be living with the consequences of the Ceausescu regime's brutal suppression of ethnic distinctions.

But this is a new era. The President has stated that granting nondiscriminatory treatment will further benefit those living in Romania. Therefore, the Finance Committee has approved nondiscriminatory treatment, and the Senate shall do so forthwith. Let me be clear, however. The approval of this resolution does not constitute an endorsement of Romania's human rights record. To the contrary, we fully hope and expect that there will be further improvements. I am certain that my colleague from New Jersey agrees.

Mr. LAUTENBERG. I certainly do agree that we need to see improvements. That is clear from the reports I have submitted for the Record. Under no circumstances should the Senate's approval of MFN be construed as a blanket endorsement of Romania's record on human rights. Although the Senate is approving MFN now, it is not an irreversible process. In the upcoming months, the Congress will be carefully examining developments in Romania. We will be looking to ensure that Romania complies with its commitments and continues to make progress.

Mr. MOYNIHAN. Again, I thank the esteemed Senator from New Jersey for raising this issue.

EXHIBIT 1

STRUGGLING FOR ETHNIC IDENTITY: ETHNIC HUNGARIANS IN POST-CEASUSESCU ROMANIA

(Helsinki Watch)

INTRODUCTION

On December 17, 1989, ethnic Romanians and ethnic Hungarians[1] in the Transylvanian town of Timisoara (Temesvár) united to oppose the expulsion of the Hungarian Reformed Bishop Lászió Tökés from his parish. This was the beginning of the Romanian revolution that ultimately resulted in the downfall and execution of the communist dictator, Nicolae Ceausescu. Immediately following the revolution, Romanians of all ethnic backgrounds hoped for and expected the speedy establishment of a democratic government that would respect human rights for all its citizens.

Although tensions between Romanians and Hungarians had grown during the two decades preceding the revolution due to Ceausescu's manipulation of ethnic hostilities, all these tensions were temporarily forgotten during the revolution itself. Tensions between Hungary and Romania also decreased as both countries celebrated the fall of communist rule. Hungary responded to the blood revolution by immediately sending medical aid and food supplies. Mistrust and fear between the two nations seemed to evaporate overnight.[2]

The Hungarian minority expected the fruit of the revolution to be not only an end to the terrible violations of fundamental rights that all Romanian citizens had suffered, but also an end to the specific violations that minorities had suffered under Ceausescu. What is more, Hunagarians were anxious to begin rebuilding their cultural and political structures that had been devastated during the previous decades.

Hungarians were quick to organize politically and to call on the newly formed government to take steps to reinstate Hungarian-language schools and address other minority concerns. However, the government's initial openness to the concerns of minorities quickly gave way to resistance and hostility from some segments of the public. Tensions between Hungarians and Romanians in Transylvania over minority rights began to escalate during the weeks following the revolution, and culminated in the violent confrontation in Thgu Mures (Marosvásárhely) in March of 1990.[3]

After the ethnic violence in Tirgu Mure, (Marosvásárhely) and the Romanian government's backtracking on promises made to minorities, it became abundantly clear that the hopes and expectations of the Hungarian minority had been premature. Few Hungarians or Romanians had realized the extent to which Ceausescu's nationalist propaganda had permeated Romanian society, as evidenced by the resurgence of chauvinistic ideologies and rehetoric. Many had also underestimated the level of fear and mistrust among both Romanians and Hungarians, emotions which were to be easily manipulated by nationalist leaders.

The three years since the revolution have witnessed a dramatic increase in xenophobia and racist propaganda in Romania, including an increasingly vocal nationalist and anti-minority press, as well as the emergence of popular right-wing political parties. Demands by minorities that had seemed quite justified in the hours after the revolution were soon viewed with suspicion and resentment. Some Romanians voiced the opinion that Hungarians should wait until the achievements of the revolution had been secured for all Romanians before demanding the rights of minorities.

Throughout eastern Europe, demands for greater minority rights are inevitably viewed through the prism of historical experience. In the case of Transylvania, where most ethnic Hungarians live, centuries of Hungarian influence and control ended in 1918 with the Treaty of Trianon.[4] During the twentieth century, ethnic Romanians and ethnic Hungarians suffered assimilationist policies and severe abuses as the region shifted back and forth between the control of the Hungarian and the Romanian states. This history affects all inter-ethnic relations in Romania.

Many Romanians continue to believe that a large minority population presents a security risk for the Romanian state, and that greater rights for minorities will result in demands for territorial autonomy and, ultimately, a secessionist movement. These fears have been easily manipulated by nationalist elements in Romania in whose interest it may be to foment ethnic tensions and conflict. Many ethnic Hungarians and Romanians have been especially troubled by what appear to be close ties between Ceausescu's former secret police, the Securitate, and extreme right-wing elements, who share a common nationalist and anti-minority philosophy. In fact, during the violent clashes in Tirgu Mures (Marosvásárhely) in March 1990, there were reports that former Securitate agents were involved in inciting ethnic tensions.[5]

Given this historical context, trust and good-faith dealings are very difficult. Furthermore, inter-ethnic relations in Romania are influenced, not only by the historical experiences of the different parties, but also by Romania's current geopolitical position. Since the revolution, two armed conflicts between or among ethnic groups—in Moldova and in the former Yugoslavia—have flared up on Romania's borders. Regional ethnic conflicts have done little to alleviate fears and suspicions between Romanians and ethnic Hungarians.

Although there have been significant improvements in many areas of concern to the Hungarian minority in Romania, tensions have remained high, resulting in an increasing sense of insecurity among the population.

Helsinki Watch found that the Hungarian minority continues to face obstacles in equal access to education in the mother language, that there are an insufficient number of trained Hungarian-language teachers, and an insufficient number of classes in the Hungarian language compared to the demand for such classes. What is more, Hungarian schools are subjected to harassment by local school inspectors and local government officials who have created a sense of insecurity as to the status of minority-language schools.

The most serious abuses documented by Helsinki Watch were at the local level. These abuses include restrictions on freedom of assembly, association and speech by local officials, especially in Cluj (Kolozsvar) and Baia Mare (Nagybánya), where right-wing nationalists won the mayoralty in the February 1992 local elections.

[1] Footnotes at end of article.

In addition to the many abuses to which Hungarians are subjected at the local level, the Romanian government has failed to take measures that adequately remedy these abuses. Government officials are rarely disciplined, much less prosecuted, for committing clear violations of Romanian law. Minorities are left to seek a remedy from the justice system, which operates in a highly abusive and discriminatory manner.

Thus, although concentrated at the local level, these abuses cannot be viewed only as isolated incidents. They are not merely evidence of the case with which local officials can harass and intimidate a minority population. They also demonstrate that the legal mechanisms for holding abusive officials accountable remain weak, and that there are inadequate safeguards to ensure that minorities can obtain a sufficient legal remedy when violations occur.

The treatment of Hungarians in Romania and their quest for greater rights must be viewed in the context of the mistreatment that minorities experienced under Ceausescu. Helinski Watch recognizes that all Romanians were victims of the extremely repressive and abusive Ceausescu regime. However, minorities, and especially the Hungarian minority because of its size and Romania's shared border with Hungary, were victims of a particular plan of assimilation under communist rule. Thus, minorities in Romania have special needs and concerns that are a direct consequence of their mistreatment because of their national or ethnic origin. Any efforts to adequately address their minority concerns will have to take into consideration the unique experiences of the Hungarian minority under Ceausescu.

This report documents the treatment of the ethnic Hungarian minority in Romania since the revolution. It is based on a series of missions to Romania beginning in January 1990. Helsinki Watch representatives traveled throughout Romania conducting interviews with ethnic Hungarians and Romanians about the treatment of the Hungarian minority. Helsinki Watch representatives met with county and city government officials, including the prefects of several counties, local prosecutors, leaders in education, culture, and the media. In addition, Helsinki Watch met with many national government officials in Bucharest, including representatives from the Ministries of Culture, Education, and Foreign Affairs and the parliament. Helsinki Watch also met with the Hungarian Ambassador to Romania to discuss the Hungarian government's position on the treatment of the Hungarian minority.

RECOMMENDATIONS

Helsinki Watch recommends that the Romanian government:

Abide by its obligations under international and national law to protect the Hungarian minority's human rights: specifically, to:

Distance itself from extremist views, whether they be nationalistic, xenophobic, anti-Hungarian or anti-Semitic;

Respect the Hungarian minority's constitutionally guaranteed right to "the conservation, development and expression" of its linguistic identity. The government should be particularly sensitive to the need for education in the mother-tongue, an adequate number of classes and properly-trained teachers, and the need for an appropriate curriculum and textbooks to ensure this fulfillment of this constitutional right;

Establish a commission to revise the curricula and educational materials used in classrooms to include minority culture and history;

Accord the Hungarian minority freedom of expression, including access to radio, television and publications without discrimination on the basis of ethnic origin;

Prosecute abuses by government officials who have committed abuses against minorities, including victims of ethnic discrimination;

Take additional steps to guarantee that an independent judiciary is established;

Establish an independent commission to review the investigations and trials of all those currently in prison for crimes they allegedly committed during the Tirgu Mures (Marosvásárhely) events, as well as those tried for crimes committed during the revolution in the county of Harghita (Hargita). If there is evidence that the defendants were denied due process, that decisions related to the prosecution, trial and sentencing were motivated by bias, the individuals should be exonerated or new trials should be held;

Work with parliamentary representatives, including those representing minorities, to adopt legislation on education and religion;

Adopt an affirmative plan to recruit more minorities into government positions—especially the ministries of Education and Culture;

Establish a special program to enlist police from among the ethnic minorities in Romania, including the Hungarian minority;

Strengthen legal mechanisms for protecting rights, including making amendments to existing laws, where necessary, to give individuals greater access to courts to challenge the legality of government, including local government, decisions;

Guarantee that the newly-establish Council for National Minorities address the problems of national minorities in good faith;

Return all property confiscated from religious groups in an expedited manner;

Take affirmative action to improve interethnic relations and reduce tensions between minorities and the Romanian majority. Efforts should be made to introduce educational programs on minority rights, minority history and culture, as well as human rights, in all Romanian schools. Human rights training programs should also be provided for police, government officials and teachers;

Introduce amendments to laws regulating public demonstrations and meetings to limit the authority of mayors and local officials to restrict meetings. Restrictions should be allowed only if the local authorities have clear evidence that a meeting is likely to disrupt public order. Any limitations which are placed on meetings should be narrowly tailored and proportionate to the need to maintain public order. In general, they should restrict only the time, place, or manner of the meeting, and not the ability to hold meetings;

Helsinki Watch is concerned by increasing demands that punitive action be taken against Hungarians, both individually and as a collective, because they may have demanded autonomy, which is interpreted as a territorial claim against Romania. Regardless of the validity of this interpretation, Helsinki Watch urges that the Romanian government:

Guarantee the right of all citizens to freedom of expression, including the right to advocate any type of autonomy for ethnic or national minorities (whether it is territorial cultural or administrative), as long as violence is not used to achieve their purposes.

FOOTNOTES

[1] For simplicity, the terms ethnic Hungarians, the Hungarian minority, and Hungarians are used interchangeably to refer to Romanian citizens of Hungarian origin. Certain quoted materials also refer to ethnic Hungarians as ethnic "Magyars," which is the name by which Hungarians refer to themselves. Where the term "Hungarians" refers to Hungarian citizens living in Hungary this will be made clear in the text.

[2] See, "Free Hungarians in a Free Romania: Dream or Reality?" RFE/RL Report on Eastern Europe; February 28, 1990, p. 19.

[3] See, "The Events in Tirgu Mures—March 1990," in this report.

[4] for additional information see, Barbara Jelavich, History of the Balkans, Volume 2, Cambridge University Press, (1968); Romania's Ethnic Hungarians, A Minority Rights Group Report, April 1980, pp. 8-9.

[5] See, "The Events in Tirgu Mures in March 1990," in this report.

[A Helsinki Watch Report]

DESTROYING ETHNIC IDENTITY: THE PERSECUTION OF GYPSIES IN ROMANIA

(September 1991)

RECOMMENDATIONS

Helsinki Watch urges the Romanian government to:

Abide by its obligations under international law to respect and promote human rights and specifically to:

Guarantee the security of all persons from violence or bodily harm, whether inflicted by Government officials or by any individual or group.

Conduct a criminal investigation into each incidence of violence against the Gypsy community and prosecute cases where there is evidence of guilt.

Investigate the failure of the Romanian authorities to intervene to protect Gypsies under attack.

Investigate the role of Romanian authorities in the attacks on Gypsy communities.

Conduct an immediate investigation into all allegations of abuse and mistreatment while in custody, and prosecute all those responsible for violations of the law.

In areas where there have been violent attacks on Gypsy quarters, take steps to guarantee the safety of those Gypsies who want to return to their homes, and ensure their ability to rebuild the homes that have been destroyed.

Prohibit all forms of discrimination against Gypsies, including harassment and intimidation by government officials. Provide all citizens with effective remedies against discrimination.

Assure Gypsies the right to equal participation in local administration and local government.

Guarantee Gypsies equal rights, in policy and practice, to education.

Guarantee Gypsies equal rights, in policy and practice, to obtain land, and equal access to housing.

Guarantee Gypsies equality in the workplace.

Ensure that the Gypsy minority has adequate opportunities to learn the Romani language. Optional Romani language classes should be offered in elementary and secondary schools.

Include teaching about the history and culture of Gypsies in secondary and elementary schools, including the centuries of slavery.

Direct the state-controlled television and radio to provide objective and balanced reporting when airing stories about Gypsies.

Establishing equality in the law and in practice, while critically importaht, does not wipe out the injustice that has existed for centuries, nor the wide-ranging effects of that injustice. It is therefore necessary for Romanian society to accept its share of the responsibility for the plight of its largest minority and to act as a nation to ensure an effective remedy for past discrimination which Gypsies have undeniably suffered.

[Amnesty International, September 1993]

ROMANIA: UPDATE TO AMNESTY INTERNATIONAL'S CONCERNS

BACKGROUND

Presidential and parliamentary elections in September and October 1992 resulted in the re-election of President Ion Iliescu and the return to power of the Democratic National Salvation Front (DNSF), with 28% of the vote for the Senate and over 27% for the Chamber of Deputies giving it a mandate to form a government. Prime Minister Nicolae Văcăroiu's government is maintained in power by the parliamentary support of smaller left-wing and right-wing nationalist parties. The main feature of the new government's economic policy appears to be a more guarded approach in the transformation to a market economy of state-managed industry and services. However, the difficulties in controlling rising inflation and unemployment are contributing, throughout the country, to a growing popular discontent.

Although the vast majority of the population are ethnic Romanian (89.4% according to the 1992 census) inter-ethnic relations are becoming an increasingly important issue. Romania has an ethnic Hungarian population of 1,620,000, mostly living in Transylvania, in the northwest of the country. In December 1989, the persecution of a Hungarian Reformed Church priest in Timişoara, Bishop Laszlo Tokes, was denounced by Romanians of all ethnic origins. The ensuing demonstrations led to the overthrow of President Ceauşescu and major political changes in Romania. However, the lifting of restrictions on political rights and freedoms allowed the creation of organizations which promote nationalistic and xenophobic policies. As a result, inter-communal tension has been rising in Transylvania, particularly after the violent attacks by ethnic Romanian villagers against ethnic Hungarians in Tîrgu Mureş in March 1990.

The smaller parties supporting the Government of Prime Minister Nicolae Văcăroiu openly incite national intolerance. Some of these parties, such as the Party of Romanian National Unity (PUNR), supported by DNSF sympathizers, also made significant gains in the local elections, held in February 1992, particularly in some parts of the ethnically heterogeneous region of Transylvania. They have encouraged ethnic hatred, accusing the ethnic-Hungarian community of irredentism and opposition leaders of being Hungarian "agents".

Soon after he was elected mayor of Cluj-Napoca, Gheorghe Funar introduced restrictions on "public demonstrations within the confines of the city", including the organization of international meetings. He also decreed that street signs and all publicly posted signs and announcements should be in the Romanian language only, dismissed the headmaster of the Brassai Samuel High school, Kelemen Attila Balint, and ordered the eviction of the Hungarian student association from state-owned premises.

As PUNR presidential candidate, Funar based his campaign on attacking the ethnic-Hungarian community with statements such as: "We have to be on our guard all the time. These barbarians from Asia have been here for 1,000 years but are still not civilized and are capable of any form of treachery." In the September 1992 presidential elections he came third, receiving 1.6 million votes, almost 10% of the electorate.

The Government's apparent lack of will to reduce inter-ethnic tension is demonstrated by the appointments in March 1993 of ethnic-Romanian prefects for Harghita and Covasna counties, with a majority ethnic-Hungarian population. This measure was described by the Hungarian Democratic Union of Romania (UDMR) as an example of continuing discrimination against the minority.

The atmosphere of national intolerance has also affected other ethnic minorities, particularly the Roma community. Although the latest census sets the Roma community in Romania at around 450,000 it is widely believed that the actual number is closer to 2,000,000, making it the largest Roma community in Europe. A recent survey carried out by a team from Bucharest University supports the general impression of the Roma community's desperate social and economic conditions, which reflect a long history of racial prejudice and neglect for the needs of this community not only in Romania but throughout the region. This independent study indicates that 80% of Roma have no vocational training and that only 23% of the community are employed. Only 50% of the Roma children attend schools regularly. Racial prejudice and a higher incidence of crime committed by members of the Roma community have also contributed to a rising number of violent attacks against Roma. Around 40 such assaults in various parts of the country were recorded recently and reported in March 1993 by the Aven Amentza Foundation, a non-government Roma organization. There is no available data on how many of the perpetrators of such attacks have been identified by the authorities and prosecuted. Most such assaults on Roma are carried out by other ordinary Romanian citizens, who are in some cases even joined by Roma from a different social group. However, Amnesty International has also received reports of incidents where members of the Roma community, apparently because of their ethnic background, were subjected to torture and ill-treatment by police officers and has called on the Romanian Government to fully investigate these cases.

Legislative reforms in Romania are still high on the Parliament's agenda. This task is particularly important in view of Romania's aspirations to join the Council of Europe and to become a Party to the European Convention for the Protection of Fundamental Freedoms and Human Rights. A new Law on Reorganization of the Judiciary (Law Number 92/1992) will come into force in July 1993. Although it will bring the Procuratura, the office of the public prosecutor, under the supervision of the Ministry of Justice, certain legal provisions will render the Minister's orders ineffective. Orders will not be issued directly to subordinate prosecutors but through the Prosecutor General, who is not legally obliged to enforce them. In addition, there are still no provisions for inquests to be conducted by an examining magistrate. The retention in the new law of military courts in the judicial system, competent to try all members of the armed forces for all crimes, is widely viewed as a legal anachronism and might even be incompatible with the Romanian Constitution which prohibits the establishment of extraordinary courts. There are also concerns about this Law's criteria for the appointment and grading of judges which might influence their competence and independence.

The Penal Code and Code of Penal Procedure, as in most other Central and East European countries, have not yet been radically reformed. Although some articles have been abolished since December 1989, the Romanian Penal Code under Article 200 paragraph 1 still punishes anyone "who has sexual relations with a person of the same sex" with one to five years' imprisonment. In July 1992 representatives of Amnesty International were told by Romanian authorities that no one had been prosecuted for this offense since the fall of Ceausescu in December 1989 and that the proposed reform of the Penal Code will abolish this crime. Amnesty International urged the Romanian Minister of Justice, Petre Ninosu, to ensure that the proposed reform of the Romanian Penal Code will not permit the imprisonment of people solely because of their homosexuality.

The process of reform in the judiciary and the police force, according to independent assessments, has been inadequate. Most of the judges in Romania worked in the same post before the changes effected in December 1989. Their training and experience are insufficient for an independent judiciary. Court rulings, even at the highest instance, often reflect practices incompatible with international standards for fair trials. Amnesty International has received reports of cases where the courts in Romania have used as evidence confessions of the accused, although they were later retracted as having been induced by torture. The organization has recently addressed the Romanian authorities in one such case where a person has been condemned to a long prison sentence on the basis of a confession reportedly obtained under torture.

Amnesty International also continues to receive reports alleging that police officers resort to torture and ill-treatment of detainees, often in order to force them to confess. In other instances their use of firearms is frequently not in accordance with appropriate international standards, but relatively few cases are fully investigated or brought to trail.

The Romanian Government has still not clarified some of cases brought to its attention by Amnesty International. The organization is still concerned with the fate of Viorel Horia, a 15-year-old schoolboy whose whereabouts remain unknown following his reported arrest on 13 June 1990 in Bucharest. Amnesty International also continues to appeal to the Romanian authorities to fully investigate the shooting of Andrei Frumusanu and Aurica Crăiniceanu during the demonstrations in Bucharest in September 1991.

INTERNATIONAL HUMAN RIGHTS LAW GROUP,

Washington, DC, August 1993.

MOST-FAVORED-NATION (MFN) TRADE STATUS FOR ROMANIA: THE CURRENT HUMAN RIGHTS SITUATION

I. INTRODUCTION

The International Human Rights Law Group is a Washington-based non-governmental organization affiliated with the International Commission of Jurists in Geneva holding consultative status with the United Nations. Since 1991, under its Rule of Law Program, the Law Group has had a continuous presence in Romania through project attorneys who have provided technical assistance, consultation and training to Romanian human rights organizations and lawyers groups. Through its work in Romania, the Law Group has had the opportunity to examine the human rights situation closely and has formulated the following recommendations regarding the granting of Most-Favored-Nation (MFN) trade status to Romania.

II. GENERAL POSITION ON MFN STATUS

The Law Group supports the granting of MFN status to Romania subject to annual Congressional review to monitor the continued implementation of human rights reforms. The Law Group is pleased to note that

the human rights situation in Romania has improved during the past year in several respects.[1] One year ago, the Law Group encouraged the US to delay granting MFN status to Romania in light of continuing human rights abuses; after national elections last Fall, the Law Group urged Congress to reconsider. The Law Group now recommends restoring MFN status subject to annual review.

Evidence of improvement in the human rights situation in Romania includes the successful holding of largely free and fair national elections in September and October of 1992 and the increasing role of non-governmental organizations in the monitoring of human rights abuses and legislative reform.

Granting MFN status at this time would acknowledge Romania's achievements in the protection of human rights and encourage further improvements. Annual review is crucial, however, due to lingering defects in the transition to democracy, including the failure to reform the judiciary in a meaningful way, continued difficulties in ensuring civilian control over the Romanian Intelligence Service (SRI) and flaws in the treatment of minorities, particularly the Roma (Gypsies).

III. ISSUES OF CONCERN

Free and Fair Elections

A primary concern of the United States in restoring MFN status to Romania has been that free and fair elections take place. Despite a number of irregularities, many of which occurred on the local level, the international community generally agreed that the nationwide elections held in September and October 1992 were indeed "free and fair."[2] An essentially free and open campaign period with media access for all major parties preceded the vote, although substantial questions were raised about the impartiality of the coverage by Romania's single national television station. In comparison to the 1990 national elections, there was a marked decrease in election-related violence.

Though domestic observers were forbidden in 1990, more than 7,000 Romanian citizens participated in monitoring the 1992 elections after an effort to ban domestic observers was defeated. Resolution of this dispute illustrates the significant improvement in relations between government officials and NGOs. Specifically, a healthy and productive dialogue developed between the Central Election Bureau and other government agencies, on the one hand, and human rights groups and civic organizations monitoring the elections, on the other.[3]

Although there were a number of allegations of localized fraud in vote-counting, especially with respect to an unusually high percentage of annulled ballots, a systematic pattern of fraud did not emerge. The relatively small irregularities appeared to stem from local officials or others acting on their own initiative and did not appear to affect significantly the final tally. Monitors observed no centralized effort to tamper with the outcome of the vote.[4]

Openness of the Legislative Process

Free and fair elections are meaningful to the extent that the representatives who are voted into office remain accountable to their electorate. The Romanian Parliament has made some *de facto* progress in the area of public access to information about legislative activity. But when Romanian parliamentarians went out of session at the end of July, more than nine months after taking office, they had yet to enact new procedural rules governing their activities, even though it was one of the first items placed on the parliamentary agenda.

As a result, the Parliament continues to act under its old set of rules. This means, for instance, that voting records for individual parliamentarians or their parties do not exist. A controversial electronic voting system exists in both houses of the Parliament, but it is not always used. Moreover, the system does not provide an individualized record of the voting patterns.

For the Romanian Parliament to be truly accountable to the electorate, its legislative agenda and voting patterns must be transparent. The lack of transparency in the Romanian Parliament has been criticized in Romania and elsewhere as an obstacle to full participation in the legislative process by citizens and citizens' groups.[5]

Independence of the Judiciary

On July 1, 1993, the Romanian Law on the Reorganization of the Judiciary (Law No. 92/1992) took full effect. The law, which governs reform of the Romanian courts and the procuracy (prosecutors' offices),[6] was passed in 1992. Provisions on the composition and conduct of the courts and prosecutors' offices, admission into the magistrature and accountability of the magistrates, however, did not take effect until July of this year.[7] The law employs the term "magistrates" to refer both to judges and prosecutors.

Although instituting much needed reforms, the Judicial Reorganization Law is not without its shortcomings. In particular, it does not appear to go far enough in restricting the influence of the traditionally powerful procuracy. For example, the appointment and promotion of magistrates is supervised by the Superior Council of the Magistrature. The Council is composed of 10 judges and 5 prosecutors.[8] As a result, the professional careers of judges are dependent upon review not only by peers on the bench, but by representatives of the procuracy as well. Disciplinary proceedings against judges are also undertaken by the mixed Superior Council of the Magistrature. In contrast, disciplinary proceedings against prosecutors are conducted by a specially designated "disciplinary commission" composed entirely of prosecutors.[9] The intent behind the distinction is clear: the procuracy plays a role in supervising judges; yet the procuracy itself remains free of any outside supervision.[10]

Moreover, the Judicial Reorganization Law maintains the powerful role of the prosecutor in many other respects. Prosecutors, for example, have the sole authority to initiate a *habeas corpus* type procedure ("extraordinary recourse") and are charged with "verifying on-site compliance with the law at preventive detention and prison facilities, as well as upholding educational and safety standards."[11] Relying on the prosecutor's discretion to carry out these important safeguard functions is not necessarily the most effective way to accomplish them.[12] The Council of Europe has also criticized, in particular, the Prosecutor's ability to issue a warrant of preventive detention for 30 days without appearing before an independent judicial authority.[13]

In addition, independence of the judiciary is compromised by the firm hierarchy of control over judges.[14] Article 19 of the Judicial Reorganization Law provides that the Justice Ministry inspectorate reviews the substantive work of judges, including final decisions. Article 19 also provides identical authority to court presidents over their subordinates. At the same time, there is a very uncertain relationship between the procuracy and the Justice Ministry.[15]

The defects in the Judicial Reorganization Law are exacerbated by the seemingly nonchalant attitude of the current authorities towards the law's requirements. On July 14, 1993, two weeks after the final provisions regarding accountability of magistrates went into effect,[16] the Romanian Minister of Justice relieved Corneliu Turianu of his duties as the president of the Bucharest Municipal Court. The action was taken by the Justice Minister without instituting formal disciplinary proceedings or convening the Superior Council of the Magistrature.[17]

The public justification for the dismissal was that Turianu politicized the judiciary, obstructed reform, demonstrated excessive transparency with the press and failed to seek adequate headquarters for the Bucharest Appellate Court.[18] On the day of his dismissal, a Romanian newspaper published in interview with Turianu in which he elaborated on a "war" between the Bucharest Court and the Ministry of Justice regarding judges who had been designated for the Court of Appeals.[19] According to Turianu, the Ministry had sent the judges back to the Bucharest Court because the Court of Appeals had not yet been established as required by the Judicial Reorganization Law. In addition, some observers linked the dismissal to the decision of the Bucharest Court to strike President Iliescu from the slate of candidates for Senate just prior to national elections last September.[20]

Finally, the Judicial Reorganization Law retains the military courts and prosecutors as a parallel system of justice. Indeed, up until May 1993, the General Prosecutor was a member of the military.[21] The Interior Ministry and the Justice Ministry's General Direction of Prisons continue to be considered military formations, headed by army generals, and there personnel (including ordinary police) are subject to the competence of the military courts. As a result, cases of police abuse or mistreatment in police lock-ups or prisons can be rectified only by petitioning the military prosecutor or the respective ministries to take action.[22] Without true civilian control over abuses committed by the police and penitentiary personnel, there is little hope of achieving full protection of human rights.[23]

Civilian Control of the Romanian Intelligence Service (SRI)

Civilian control of the Romanian intelligence apparatus has been a long-standing concern. The SRI was established in March 1990 with a broad mandate to conduct domestic intelligence-gathering operations.[24] Many SRI officers, including the SRI's director, were members of the notorious Ceausescu-era secret police (Securitate).[25] Unauthorized monitoring of telephone communications persists as a remnant of the former Communist regime.[26]

SRI has taken possession of Securitate files, and the Parliament voted to seal them for a 40-year period; the government has taken little action to investigate pre-1989 abuses.

A new law governing the SRI went into effect on February 24, 1992, giving a Parliamentary joint committee the power to approve as well as dismiss any future SRI director. Nevertheless, the law contains significant loopholes.[27] Parliament is not given budgetary control, and the SRI retains the privilege of justifying otherwise prohibited actions on broadly defined national security grounds.[28] The long-awaited report to the Parliament was finally submitted by the SRI in June 1993 and was subsequently leaked to one of the Romanian newspapers.[29] The report has been widely criticized for discussing

[1] Footnotes at end of article.

the activities of SRI only in general terms, except for a section devoted to threats to Romania's economic interests.

Independent Media and Free Speech

Romanian State Television (TVR) is presently the only domestic television broadcaster with nationwide facilities. This station is directed by Paul Everac, an Iliescu appointee who has met with widespread disapproval for his anti-Semitic and anti-Gypsy statements and nationalist programming decisions.[30] As of February 1, 1993, the three programs dedicated to ethnic minorities on TVR were stripped of any political or economic informational content. They were officially turned into cultural, ethnographic, and folklore magazines and broadcast instead of Channel Two and local TV stations.[31] Channel Two reaches only 30% of the population and excludes some areas of high minority population.[32]

In 1992, the government created a National Audiovisual Council (NAC) which began issuing licenses to private television and radio broadcasters at the end of the year; many established, independent television stations that has projected opposition views did not receive licenses from the NAC, causing great controversy. NAC compromised, suggesting frequency sharing in its future decisions, thus taking care of some of the concerns.[33]

On a positive note, allegations of unprovided assaults on journalists have been far fewer than in previous years.

Respect for Rights of Minorities

In April 1993, the Romanian government established the National Minority Council as a forum for government officials and representatives of each minority group in Romania. Although some minority representatives have threatened to walk out if progress is not made soon, a true dialogue appears to be taking place.[34]

The most politically contentious minority issue in Romania has been the situation of ethnic Hungarians. Hungarians have consistently demanded language rights, control over schools and other aspects of cultural automony and local administrative autonomy.

During the last year, the Transylvanian city of Cluj has been the most turbulent political battleground on the nationality issue. In 1992, Mayor Gheorghe Funar issued Executive Decisions prohibiting a conference, a rally and a public assembly sponsored by the Hungarian Democratic Union of Romania (UDMR), a major opposition political party.[35] Funar also banned by Executive Decision the public display of foreign language signs. In February 1993, he initiated a Cluj Town Council measure to ban foreign national flags and the playing of foreign national anthems in public, except on official occasions.[36] Despite some condemnation from the central government, the municipality continues to use local statutes and regulations to harass or provoke local Hungarians.

The Roma (Gypsy) minority still suffers discrimination far more pervasive and insidious than any other minority.[37] Romanian society, as a whole, tends to associate all Roma with the criminal Roma elements who are perhaps the most visible. Sometimes violence erupts in "vigilante-style" episodes,[38] the most recent of which took place near Timisoara in May.[39] Reactions by the authorities to these events have been limited and slow. In response to one 1991 attack by enraged townspeople in Valeni Lapusului (Maramures District) in which approximately 20 Roma homes were burned, the Romanian government offered to rebuild the houses but has not yet made good on its promise.[40] A July 1992 attack against Roma at Piata Rahova in Bucharest by 40 heavily armed military police wearing camouflage uniforms and black head masks has not progressed beyond the military prosecutor's investigation stage.[41]

Some elements of the Romanian press continue to publish incendiary anti-minority articles, especially the newspapers *Romania Mare* and *Europa*. [42] For example, on July 23, 1993, *Romania Mare* printed an article contesting the "demented" statistics provided by the Washington, D.C.—based Holocaust Museum concerning Jewish victims of atrocities committed in Romania during World War II.[43] In addition, Romanian television and newspapers continue to designate criminals as "tzigane" (Gypsy) when they are of Roma origin, although non-Roma are not generally identified by ethnic of national origin. One Roma leader has announced that he is suing several newspapers for libel.[44]

In September 1992, the German and Romanian governments signed a repatriation agreement providing for the return of Romanians illegally residing in Germany (and, technically, vice versa). It has been widely characterized as a "Gypsy agreement" even though official statistics indicate that only 40 percent of those returned from Germany are ethnic Roma[45], and unofficial surveys indicate an even smaller percentage.[46] Ironically, the German Minister of Interior, when announcing the agreement, misleadingly referred to a German humanitarian program to help build three job retraining centers in Romania, leaving the press with the mistaken impression that the aid was some kind of exchange for Romania taking back Roma migrants. In reality, the aid program was planned long before the repatriation agreement was negotiated, and the Roma community that most needs the assistance will probably not qualify to participate.[47]

Romania especially deserves criticism for its treatment of homosexuals.[48] Same sex consensual sexual relations between adults are criminalized by article 200 of the Romanian Penal Code, and there have been recent prosecutions.[49] For instance, a homosexual couple in Timisoara received suspended sentences in May 1993.[50] One member of the couple is over 18, the other member is a minor. The elder defendant received a suspended sentence of two years.[51] The minor, who was charged only under paragraph 1 of article 200, criminalizing homosexual relations regardless of age, received a one year suspended sentence. Another recent case invoking article 200, in Sibiu, was suspended on July 21, 1993. The case was referred to the Romanian Constitutional Court for a determination as to whether article 200 violates the Romanian Constitution and international human rights treaties.

IV. CONCLUSION

The Romanian government has made significant progress in improving human rights as evidenced by largely free and fair elections last Fall, a gradually more open approach in the legislative process, the increasingly important role being played by non-governmental human rights organizations and a number of seemingly good faith efforts to tackle minority issues. Nevertheless, many of the reforms that appear on paper, particularly regarding the judiciary and civilian control of the SRI, have not been fully implemented or disguise deeper structural obstacles to the full protection of human rights. Furthermore, the Romanian government still has a long way to go in guaranteeing a secure environment for the least popular minorities.

The Law Group supports restoration of MFN status to Romania but urges that Congress undertake a serious annual review in the future in light of the concerns discussed above.

FOOTNOTES

[1] The improvements have been noted, for example, by a March 11, 1993 resolution of the UN Commission on Human Rights. "Situation of Human Rights in Romania," U.N. Human Rights Commission Res. 1993/72, (U.N. Doc E/CN. 4/1993/L.11/Add.7), 66th mtg., 10 March 1993.

[2] U.S. State Department Country Report on Human Rights Practices for 1992, p.1 (hereinafter "DOS Report"). *See also* Council of Europe, *Elections Roumaines "Libres et Correctes" selon les Parlementaires du Conseil de L'Europe* (Press Release, September 28, 1993); International Human Rights Law Group, *Preliminary Statement on the September 1992 Romanian Parliamentary and Presidential Elections* (Washington, 1992), p.1; National Democratic Institute for International Affairs and International Republican Institute, *Preliminary Statement by the International Observer Delegation to the Romanian Presidential and Parliamentary Elections* (September 29, 1992); and Lawyer's Committee for Human Rights, *Critique: Review of the Department of State's Country Reports on Human Rights Practices* for 1992 (New York, 1993) (hereinafter "Lawyer's Committee Report").

[3] Edwin Rekosh and Peter Rosenblum, "Romanian NGOs Look Beyond National Elections," *The Law Group Docket*, Volume 7, No. 2, December 1992, p. 9–10.

[4] Such a conclusion would have been more definitive had one of the human rights organizations, League for the Defense of Human Rights (LADO), been permitted to conduct a computerized doublecheck of the tabulation process. After agreeing in principle, the Central Election Bureau made a last-minute ruling rejecting the presence of non-governmental computer operators (with their own computers) in the District vote-counting centers.

[5] *See* Romanian Helsinki Committee (APADOR-CH), *Declaration in Support of Transparency in the Legislative Process* (signed by numerous human rights organizations, newspapers, trade unions and others), November 1992; *see also* "Gag Rule in Romania," *The New York Times*, March 9, 1993, p. A18. The Council of Europe has highlighted its concern about access to information in Romania, particularly regarding the Parliament. *See* Frederich Konig, rapporteur for the Political Affairs Committee of the Council of Europe, "Preliminary Draft Report on the Application by the Republic of Romania for membership of the Council of Europe," (Doc. AS/pol(44) 62), Strasbourg, 7 May 1993, p. 13 (hereinafter "Konig Report").

[6] The Romanian legal system follows the continental civil law tradition, with its inquisitorial approach, rather than the British common law system, with its adversarial approach. Under the continental system, there is generally a Public Ministry, independent of the Ministry of Justice, which supervises the activities of trial prosecutors and also "sitting prosecutors." The latter perform judicial-like functions during the investigation stage, such as authorizing arrests and searches, as well as marshalling evidence.

The "magistrature" is generally comprised of trial judges as well as "sitting prosecutors." In Romania, there is no distinction between the different roles of the prosecutor. All prosecutors are considered members of the magistrature, even though part of their function is to act as lawyers for the state at criminal trials. For purposes of clarity, that part of the magistrature which is composed of prosecutors is referred to here as the "procuracy."

In addition, in the civil law system, cases are usually heard by a three-judge panel. It is usually one of the judges, the "court president," who conducts most of the questioning and oversees the procedural aspects of the trial.

[7] Law No. 92/1992, art. 124.

[8] Law No. 92/1992, arts. 71–72.

[9] Law No. 92/1992, arts. 98–99.

[10] *See* Renate Weber, "Ministerul Public sau Procuratura?" in Centrul pentru Drepturile Omului (APADOR-CH), *Revista Romana de Drepturil Omului*, April—June 1993, no. 1, p. 22 (hereinafter "Weber Article"); Association of Lawyers for the Defense of Human Rights (APADO), *Report on Romanian Judicial*

Organization Law, March 1993, p. 11 (hereinafter "APADO Report").

[11] Law No. 92/1992, art. 31(e) and (g).

[12] *See* Weber Article, pp. 23–24.

[13] Konig Report, pp. 8–9. The prosecutor's office can also prolong preventive detention by an additional 30 days. (Romanian Code of Penal Procedure, arts. 155–57) Even more problematic is the unfettered discretion of the police to arrest a suspect for 24 hours, without warrant, during which time the suspect has no access to legal counsel (Romanian Code of Penal Procedure, arts. 143–44). Most police abuse tends to take place during the initial interrogation. *See* Helsinki Watch, "Lockups in Romania," January 1993, pp. 11–12 (hereinafter "Helsinki Watch Report").

[14] A Council of Europe rapporteur has strongly condemned Article 19 of the Judicial Reorganization Law on these grounds. Gunnar Jansson, rapporteur for the Committee on Legal Affairs and Human Rights of the Council of Europe, "Memorandum on the Application for Membership to the Council of Europe submitted by Romania," (Doc. AS/Jur (44) 66), Strasbourg, 10 May 1993, p. 2 (hereinafter "Jansson Report"). *See also* APADO Report, pp. 2–7, for a discussion of Article 19 and other practical impediments to independence of the judiciary in Romania. An amendment to Article 19 was introduced in the Romanian Chamber of Deputies in June, but had not yet been acted on when the Parliament adjourned for the summer recess. In addition, as the APADO Report points out, a major impediment to an effective, impartial and independent judiciary is the lack of well-trained jurists to occupy the newly created positions. (The majority of some 1400 positions that were created to fulfill the requirements of the Judicial Reorganization Law still remain vacant.) APADO suggests that training at the existing Magistrates School be required for jurists without prior experience as magistrates or for those below a certain seniority. APADO Report, p. 12–13.

[15] The Justice Minister has nominal authority over the procuracy, now referred to as the Public Ministry (art. 30), but only by acting through the presidentially-appointed General Prosecutor who traditionally has been unfettered by any governmental control (art. 37).

[16] Article 124 of Law No. 92/1992 stipulates, "The dispositions concerning the make-up and conduct of the law courts and prosecutors' offices, admission into the magistrature and accountability of magistrates shall apply beginning with July 1, 1993."

[17] Article 130 states that between the time of the law's publication and "the granting' of irremovability" under its provisions, "assignment, transfer, promotion, suspension and dismissal of judges shall lie with the Justice Minister's authority." Article 129 provides, "Judges shall become irremovable upon their appointment by Romania's President." The Justice Minister may be interpreting the "granting of irremovability" to apply only to those judges who are newly appointed. If so, the law would create two parallel systems of accountability: newly appointed judges would benefit from peer review and other guarantees while existing judges will forever serve at the sole discretion of the Justice Minister.

[18] *Libertatea*, July 15, 1993; *Adevarul*, July 16, 1993.

[19] *Cronica Romana*, July 14, 1993.

[20] In addition to running for President, Iliescu placed his name on the FDSN (National Democratic Salvation Front) slate of candidates for Senate, in case he lost the Presidential race. The election law, however, stipulated that candidates for President must be independent. In three separate decisions, the Bucharest Court stuck Iliescu's Senate candidacy on those grounds, but was over-turned on appeal each time. Petre Ninosu, the current Justice Minister, was Iliescu's lawyer at the time.

[21] General Mihai Popa Cherecheanu has been replaced by a former Supreme Court judge, Vasile Manea Dragulin. The change was welcomed by the Council of Europe, although the Council of Europe has noted that Cherecheanu has stayed on in the General Prosecutor's office as chief military prosecutor. Jansson Report, p. 3; Konig Report, p. 8.

[22] There is no other legal recourse for a victim of police abuse if the military prosecutor makes a decision of nonindictment. Moreover, there is no question that many police abuse cases go unpunished: "Physical brutality, the hallmark of the Ceausescu criminal justice system, has substantially declined in the lockups but continues virtually unabated during police interrogations. Nearly every arrestee reported having been beaten by police investigators before arriving at the lockups." Helsinki Watch Report, p. 2. Although there are a number of ongoing prosecutions of police abuse, they are not nearly commensurate with the number of violations taking place. In addition, the Law Group is not aware of any criminal sentence having been handed down against a police officer.

[23] The Council of Europe largely concurs: "Although many assurances were given that the police were under civilian control, the problem remains that complaints against police officers can be brought only before military prosecutors who alone can decide to bring charges. Given the apparent reluctance to bring charges in a number of cases, as stated above, this situation, too, gives rise to legitimate concern." Konig Report, p. 9. In addition, a recent report by the Bucharest-based human rights group, the Romanian Independent Society of Human Rights (SIRDO), focused on two cases in the Suceava District of Romania where allegations exist of serious abuse committed by the police and the prosecutor's office. SIRDO's investigation of these two cases demonstrated the inadequacy of the current system, which shields prosecutors and policemen from scrutiny, by documenting the manner in which the Ministry of the Interior and the Office of the Military Prosecutor—the only organs currently available to investigate police abuse—had failed to respond to credible claims. Romanian Independent Society for Human Rights (SIRDO), "Abuses, Corruption or Incompetence of the Justice, Prosecutor's Office, and Police of Suceava District: The Cases of Baciu and Rogojina," February 16, 1993. *See also* Amnesty International, "Romania: Continuing Violations of Human Rights," (Doc. EUR 39/07/93), May 1993, pp. 9–11 (hereinafter "Amnesty Report").

[24] The foreign operations of the former Securitate were separated into the newly formed Foreign Intelligence Service (SIE).

[25] *See Reuters*, April 16, 1992. *See also* David Binder, "Romania Terror Arm Smaller than it Seemed," *New York Times*, June 13, 1993, p. 8. Binder quotes Ion Talpes, head of Romanian Foreign Intelligence, for the proposition that there were 16,000 full-time Securitate officers on the payroll under Ceausescu. He also quotes President Iliescu for the proposition that 4,000 of the officers remained on staff with the Securitate successor agencies.

[26] It is difficult to document the extent to which unauthorized wire-tapping continues. It was recently reported, though, that the Romanian General Prosecutor is currently investigating the Hunedora branch of the SRI for illegal wire-tapping. *Cronica Romana*, July 24, 1993.

[27] *See* DOS Report, p. 1. A rapporteur for the Council of Europe was especially critical of the lack of controls over the SRI: "The Law of 24 February 1992 provides some parliamentary control on the SRI through a joint committee of the two houses of parliament, which must approve the appointment of any new SRI Director and has the right to dismiss him. Apart from this, there is no parliamentary control. In addition, there is no budgetary control either, no Minister who is politically responsible and no clear delimitation of its powers and assignments. This is even more serious as the SRI is allowed to justify otherwise prohibited actions on national security grounds. In fact, President Iliescu himself confirmed to us that it was the Supreme Council of National Defense [sic], which he presided, that was in charge of the intelligence services. * * *"—Jansson Report, p. 2.

[28] There are also serious questions about whether the letter of the law, regardless of its deficiencies, is being adequately enforced. For instance, the current SRI director, Virgil Magureanu, was not submitted to a parliamentary approval process, even though he was appointed after the law was passed. In addition, the Romanian Official Monitor published a decision on June 7, 1993 concerning the establishing of a "Special Telecommunications Service," with duties including "radio-electronic surveillance" and "introducing the necessary secrecy equipment." The new governmental entity, which was created under the authority of the Supreme Council of National Defense, has been criticized by the Romanian Helsinki Committee as a vehicle for allowing the telecommunications activities of the SRI to escape Parliamentary control. *See* Romanian Helsinki Committee (APADORCH), "Press Release Concerning the Establishment of the Special Telecommunications Service," June 1993.

[29] *Adevarul*, June 30, 1993.

[30] In 1992, Everac published a book called *The Reactionary* containing xenophobic and anti-semitic sentiments, for instance: "The Jews are no longer a small minority, but a great world power in the author's strong opinion. This power is diffuse and obscure. As compared to the national state, Israel, which is still vulnerable, the international Jewish network is, today, indestructible. It dominates world politics, decisively influences the distribution of power, is able to destroy economies and to ensure the economic recovery of certain countries. * * * How can 30,000 people [Jews] influence us, even dominating us politically, culturally and economically. How can they tear us apart from each other and play with our feelings. How can they dictate or deny our values. The answer is: because they have won. Not only in Romania, but almost everywhere. * * * [The Jewish People] has an unequalled practical and business sense, coupled with rapacious and merciless qualities."

[31] *Romania Libera*, February 12, 1993.

[32] Everac has also come under fire by a wide range of critics for increasingly politicizing RTV. The centrist Democratic Party (former National Salvation Front) recently complained about biased coverage concerning the dismissal of Corneliu Turianu, the President of the Bucharest Court, and a cultural program which lauded the monumental architecture of Ceausescu. *Romania Libera*, July 30, 1993.

[33] DOS report, p. 5.

[34] Progress appears to have been made, in particular, at an unofficial conference at a Black Sea resort in July. *Adevarul*, July 24, 1993.

[35] DOS report, p. 7. *See also* International Human Rights Law Group, "Election Irregularities Continue to Plague Romania," Press Release, May 6, 1992.

[36] *Romania Libera*, February 22, 1993.

[37] *See* Mark Braham, *The Untouchables: A survey of the Roma People of Central and Eastern Europe*, Report to the Office of the United Nations High Commission for Refugees, March 1993 (especially Chapter Two: Notes from Romania; hereinafter "UNHCR Report"). In addition to the general public antipathy to the Roma, there is: "Discrimination at work: the Roma are either refused work, obtain the most demeaning, and are the first to be dismissed; "Discrimination in education: a lack of educational support; "discrimination by the police: result in harassment, direct attacks and inaction in the face of attacks by others.* * * "—UNHCR Report, p. 27.

[38] DOS Report, p. 10; Federation Internatonale des Droits de L'Homme, *Roumanie: Situation de la communaute Rom (Tzigane) 1990–1991*, February 1992; Helsinki Watch, *Destroying Ethnic Identity: The Persecution of Gypsies in Romania*, September 1991. *See also* UNHCR Report, p. 27: "It is not a one-sided problem. The Roma have triggered off a number of the incidents against them by petty theft and violence, including rape and murder. Yet in contrast to the attacks against them, Roma criminality has usually been that of an action by an individual and not a group."

[39] Eleven Gypsy homes were burned in the municipality of Carpinis (a few kilometers from Timisoara) in retaliation for an attempted murder.

[40] A previous project to rebuild houses in Mihail Kogalniceanu (near Constanta) which were destroyed in a similar attack has been nearly completed, with financial support from the local budget and the German Evangelical Church. In both towns, legal proceedings against members of the vigilante mobs have been commenced, but not yet resolved. In addition, local communities have contributed to rebuilding destroyed houses in two other villages, Turu Lung (Covasna District) and Plaiesil de Sus (Satu Mare District). To date, however, no non-Roma has been convicted in any of the dozens of vigilante attacks.

[41] *See* Amnesty Report, p. 4–5. The attack appeared to be a retaliation for a fight that broke out between a member of the military police unit and a local Roma resident who had been drinking together two days earlier. Romania authorities claim that the soldiers participated in the attack without the knowledge of their superiors and after drill hours. 13 people were reportedly injured.

[42] On July 10, 1993, President Iliescu wrote to the General Prosecutor requesting investigation and prosecution of anti-semitic, fascist and "nationalist-chauvinistic" publications and political formations. Articles 166 and 317 of the Romanian Penal Code provided criminal penalties for "fascist propaganda" and "nationalist-chauvinistic propaganda." Specifically, Iliescu urged the General Prosecutor to re-examine the dropping of a criminal investigation into the publishing last Spring of a Romanian language version of Mein Kampf. Iliescu also identified several extremist organizations for investigation, including Marian Munteanu's Movement for Romania, the Party of National Right and the newly-formed

Party for the Motherland and asked that measures be taken against publications which advocate fascist and nationalist-chauvinistic ideas. Iliescu has been roundly criticized, however, for identifying only the most marginal proponents of hate speech, without naming more popular outlets for anti-semitism and ultra-nationalism, such as *Romania Mare* and *Europa*.

[43] "The Historical Archives are Stolen from Us and a New Holocaust is Fabricated!" *Romania Mare*, July 23, 1993. The article was signed by Corneliu Vadim Tudor, a Senator and the newspaper's director.

[44] Nicolae Gheorghe of the Ethnic Federation of Roma in Romania is suing the newspapers *Romania Mare*, *Evenimentul Zilei* and *Ora*. *See Romania Libera*, July 28, 1993.

[45] German government statistics indicate that approximately 40% of the 179,676 Romanian citizens who sought political asylum in Germany from 1990 to 1992 were of Roma origin. UNHCR Report, p. 24.

[46] A study conducted by Roma groups in Romania estimated the percentage of those returned via the international airport in Bucharest at about 15 percent. Nora Costache and Nicolae Gheorghe, "Displaced Romanies (Gypsies) within the New Europe: A NGO Draft Report on the German-Romanian Agreement on taking over of Romanian and German Citizens," International Romani Union, Romani CRISS and Aven Amentsa Foundation, April 1993, p. 1.

[47] "The training centres based on now out-of-date statistics may, over the long term, benefit ethnic Romanians. They will probably be of little or no benefit to the Roma for they lack the educational and technical qualifications for entry, and in any case are likely to be precluded because of ethnic prejudice." UNHCR Report, p. 27.

[48] The Council of Europe has strongly criticized the criminal prohibition of homosexual acts between consenting adults conducted in private. Konig Report, p. 12; Jansson Report, pp. 3–4.

[49] Amnesty International has also documented torture and ill-treatment of homosexuals in Romanian prisons and police stations. *See* Amnesty Report, pp. 7–9. Similar documentation has been collected by the Bucharest-based Gay and Lesbian Human Rights Commission of SIRDO (Romanian Independent Society for Human Rights).

[50] The defendants, Milorad Mutascu and Mirel Ciprian Cucu, were deemed prisoners of conscience by Amnesty International. *See* Amnesty Report, pp. 5–6.

[51] Under Romanian law, heterosexual relations between a man and a female minor over the age of 14 is legal, unless the man is her guardian, tutor, professor, doctor or has some other supervisory role. Romanian Penal Code, art. 198.

[From the Hungarian Human Rights Foundation, Oct. 18, 1993]

HUMAN RIGHTS IN RUMANIA UNDER 3½ YEARS OF ILLESCU: AN UNBROKEN RECORD OF BROKEN PROMISES

The 3½-years history of Rumania following the December 1989 dramatic overthrow of the dictator Nicolae Ceausescu can be characterized as a long and bitter succession of broken promises. It is instructive, for example, to review the lofty ideals and concrete promises offered in the newly-created National Salvation Front's Declaration on the Rights of National Minorities issued on January 6, 1990:

"The National Salvation Front holds the following to be necessary:

1. that the new constitution of the country acknowledge and guarantee the individual and collective rights and freedoms of national minorities;

2. that a Law on National Minorities which puts into concrete form the principles of the constitution be formulated and adopted. The parliament should adopt this law within six months of adoption of the new constitution;

3. the necessary institutional framework for the minorities to be able to practice their basic rights, including the free use of the native language and the preservation of ethnic identity, must be guaranteed. For this purpose, a Ministry of Nationalities will be created.

4. We wish to guarantee the right of national minorities to resolve the problems of their own political, social and intellectual life through individuals appointed or elected from within their ranks to their own democratic organizations and the organs of state, public administration and civil society."

It Rumanian government promises to respect minority rights were sufficient grounds to act, the U.S. Congress could have granted Rumania Most-Favored-Nation status on the basis of this Declaration long ago. However, it decided to wait. Today, the sad fact is that not one pledge or promise quoted above has actually been implemented:

1. The very first sentence of the new Rumanian constitution states that "Rumania is a National State, sovereign, unitary and indivisible" This exclusivist terminology was chosen despite the protests of ethnic minority members of Parliament. Leading government officials, including, former Foreign Ministry Spokesman Traian Chebeleu, went so far as to insist that Rumania is not a multi-national state. In fact, until May 1991, Rumania's draft constitution banned outright all political parties "founded exclusively on ethnical, religious or language criteria." This provision would have outlawed the representative party of the Hungarian minority, the Democratic Alliance of Hungarians in Rumania.

2. The new constitution was adopted by Parliament in December 1991. More than 1½ years have passed without even a draft law on National Minorities being prepared.

3. No Ministry for Nationalities has been created, nor any adequate "institutional framework for the minorities to be able to practice their basic rights, including the free use of the native language and the preservation of ethnic identity."

On the contrary, (a) the new constitution restricts native-language education more explicitly than the Ceausescu-era constitution; (b) the current draft education laws include such restrictions as prohibition on the teaching in any minority language of all subjects in the medical, legal and business professions as well as in vocational, technical and agricultural schools; (c) the independent, Hungarian-language university in Cluj (Kolozsvar) has not been reestablished; and (d) use of minority languages in public administration is severely curtailed: Rumanian is the sole language used in the justice system, and any written submission to local authorities must be accompanied by a certified Rumanian-language translation.

4. Ethnic Hungarians continue to be grossly underrepresented in the major governmental bodies: there are no Hungarians in the higher echelons of power including any of the ministries. Moreover, in July 1992, the Prime Minister summarily dismissed the only two ethnic Hungarian Prefects—the most powerful local officials—in the country. Hungarians are similarly underrepresented in the police force, leadership of the armed forces, the diplomatic corps and the judicial system.

Indeed, a useful and fair yardstick of the Iliescu leadership's minority policies might be the degree to which it is now willing to implement the principles and promises quoted above, which it freely undertook three and a half years ago.

HHRF has conducted, since January 1990, intensive monitoring, including 14 fact-finding missions totalling 27 weeks in duration; extensive gathering, compilation and analysis of a computerized database of news clippings and reports in the Rumanian and Hungarian languages; and human contacts through regular oral and written consultation with hundreds of citizens. The focus of HHRF's efforts has been less on the official, government level and more on determining grass-roots, popular sentiment vis-a-vis government actions. It is these sources and contacts which form the basis for HHRF's recommendations and the summary analysis which follows.

HHRF is aware that the transition to democracy is difficult, particularly in the case of a country with the recent repressive legacy of Rumania; it would be unrealistic to expect a miraculous, overnight transformation. Instead, in its research and fact-finding work HHRF deliberately narrows its focus to those specific issues where, not society at large, but a particular government institution or official is able to choose between relatively more democratic or relatively more repressive options. Our evaluation is then based on the accumulated experience of the specific choices made in concrete situations by the responsible parties, rather than generalized or simplistic judgments.

I. ELEVEN POLITICAL PRISONERS STILL INCARCERATED

It is little known outside Rumania that since 1990, as a consequence of selective prosecution and political show trials seeking to place the label of "collective guilt" on national minorities, Rumanian courts have sentenced 54 ethnic Hungarian and Gypsy defendants to various prison terms. Of these, the following 11 ethnic Hungarian and Gypsy political prisoners are still incarcerated, serving a combined total of 146 years; the rest have served out their prison sentences:

Prisoner	From	Prison sentence	Place of Incarceration
1. Pal Ambrus	Dealu (Oroszhegy), Harghita County	15 years	Gherla (Szamosujvar) Penitentiary, str. Andrei Muresianu Nr. 4, 3475 Gherla, Jud. Cluj.
2. Imre Nagy	Dealu (Oroszhegy), Harghita County	18 years	Gherla (Szamosujvar) Penitentiary (address: as above).
3. Istvan Nagy	Dealu (Oroszhegy), Harghita County	15 years	Gherla (Szamosujvar) Penitentiary (address: as above).
4. Elod Vass-Kis	Dealu (Oroszhegy), Harghita County	18 years	Gherla (Szamosujvar) Penitentiary (address: as above).
5. Ferenc Boldizsar	Zetea (Zetelaka), Harghita County	19 years	Aiud (Nagyenyed) Penitentiary Str. Morii 77–9, 3325 Aiud, Jud. Alba.

Prisoner	From	Prison sentence	Place of Incarceration
6. Istvan Ilyes	Zetea (Zetelaka), Harghita County	20 years	Porta Alba Penitentiary 8654 Porta Alba, Jud. Constanta.
7. Laszlo Karsai	Zetea (Zetelaka), Harghita County	19 years	Porta Alba Penitentiary (address: as above).
8. Pal Cseresznyes	Tirgu Mures (Marosvasarhely)	10 years	Tirgu Mures prison.
9. Albert Fuzesi	Padureni (Erdocsinad), Mures County	4 years	Tirgu Mures prison.
10. Arpad Fuzesi	Padureni (Erdocsinad), Mures County	4 years	Tirgu Mures prison.
11. Arpad Papp	Padureni (Erdocsinad), Mures County	4 years	Tirgu Mures prison.

Seven ethnic Hungarians remain in prison for 1989 revolutionary acts

Cases Nos. 1-7 listed about are clear-cut examples of the discriminatory application of justice on ethnic grounds: seven Hungarian men (from the predominantly Hungarian villages of Dealu and Zetea) were tried and convicted as common criminals for allegedly participating in the December 1989 uprising against the Ceausescu dictatorship. In each case, the object of their alleged uprising—the local symbol of authority of the hated dictatorship—was an ethnic Rumanian. But where the selective and discriminatory character of these cases becomes evident is in light of the fact (never disputed in official Rumanian commentary) that no ethnic Rumanian anywhere in the country was ever charged or as rigorously prosecuted, let along convicted, for the crime of "revolutionary."

Contrary to Rumanian government assertions when probed on this issue, these cases do, in fact, meet the requirements for political offenses under Decree-Law No. 3/1990, Article 1, dated January 4, 1990, which grants amnesty for revolutionary acts: In Case Nos. 1-4, the alleged lynching of the local militia man occurred as an expression of outrage against the Ceausescu dictatorship on December 22, 1989, the very day which is commemorated throughout Rumania as the anniversary of the revolution. In Case Nos. 5-7, the alleged victim—also an official of the Ceausescu regime—actually committed suicide during the uprising.

Despite ample evidence to the contrary, all seven men were convicted of "aggravated murder," with the severity of the charges increasing at each step of the appeal process. The Rumanian authorities perpetuate the mischaracterization of these men, as well as the actual sequence and details of the events themselves, in an attempt to portray the defendants as cold-blooded murderers. No mention is made of the actual conduct of the legal proceedings and trials themselves, which involved severe human rights and due process violations, including the use of brutality during interrogations to force confessions; disregard of primary source evidence and testimony favorable to the defendants; alteration and concealment of evidence supporting the defendants; failure to allow the defendants sufficient access to legal counsel; and failure to provide an interpreter.

Some of the more serious doubts and unresolved questions of judicial irregularity surrounding Case Nos. 1-4 include the facts that: (1) the official coroner's report lists "freezing" as the victim's cause of death; (2) no irrefutable evidence was presented to prove that the four accused men had actually inflicted the fatal blow(s) to the victim; (3) instead, the police exercised physical force during the initial interrogations, which resulted in these first four "confessions;" (4) the victim's wife testified that she "had seen Istvan Nagy in the group, but he had not hurt her husband;" (5) the same convicted man, Istvan Nagy, does not understand Rumanian, but was not provided with an interpreter during the Supreme Court hearing. Likewise, in Case Nos. 5-7, the prosecution and judges disregarded the December 25, 1989 post-mortem examination conducted on the victim, which concluded that he had committed suicide—a finding later corroborated by the Institute of Forensic Medicine in Tirgu Mures (Marosvasarhely). The Hungarian Human Rights Foundation is in possession of more than 500 pages of primary source documents raising these and other highly troublesome matters regarding these seven cases, which it can make available to the U.S. Congress for further examination.

Five ethnic Hungarians remain in prison for acts of self-defense related to the March 19-20, 1990 anti-Hungarian violence in Tirgu Mures

Case Nos. 8-11 listed above consist of the five ethnic Hungarian and Gypsy defendants still in prison resulting from a systematic pattern of judicial abuse designed to label the victims—the Hungarian and Roma communities—as perpetators of violence directed against them. After extensive investigation involving several fact-finding missions, HHRF prepared a detailed report, dated April 4, 1991 and updated October 27, 1992, regarding the legal aftermath of the March 1990 anti-Hungarian violence in Tirgu Mures (Marosvasarhely); the full reports, along with the annexed 73 exhibits consisteing of legal papers from these proceedings, are available for inspection.

More than three years after the fact, the Rumanian Prosecutor's Office has yet to identify and prosecute those responsible for organizing the massive, armed, anti-Hungarian violence in Tirgu Mures on March 19, 1990. Not a single perpetrator has been brought to justice for the brutal beating and blinding in one eye of the prominent ethnic Hungarian playwright Andras Suto. Instead, with two exceptions, the local courts—whose judges include members of the overtly anti-Semitic and anti-Hungarian organization Vatra Romaneasca—sentenced a total of 27 victims; ethnic Hungarians and Gypsies who had acted in self-defense.

This lopsided ration is astonishing in light of the irrefutable evidence, much of it captured on videotape and corroborated by witnesses, showing that on March 19, it was Rumanian peasants, armed with pitchforks, clubs and axes, who were trucked into the city for the express purpose of committing aggression against the local Hungarian population. But the facts are worse than admitted; the legal papers in HHRF's possession plainly demonstrate that 47 Hungarians and Gypsies were convicted, and not 24 as claimed by the Rumanian authorities, and proceedings were dropped against three ethnic Rumanians who were positively identified as having killed four people on March 20.

Finally, Rumanian authorities have sought to downplay the convictions of fourteen Hungarian Gypsies, who were sentenced on "minor charges," but who were supposedly able to "exercise their legal defense rights fully," and whose infractions would now fall under the provisions of a new, more lenient law, providing "mainly for fines," the penalty "being mainly an administrative, and not a criminal one." First, it is simply untrue that these defendants were able to "exercise their legal defense rights fully:" in seven of the 14 cases, the men had no legal counsel; in the other seven cases, the defendants reported that they had been forced to admit their guilt by signing statements they could not read. Moreover, it is of little consolation to the 14 men sentenced under Ceausescu-era Decree No. 153/1970 that their "crimes" have since been de-criminalized. The fact remains that all fourteen served their full sentences, with no clemency or remedy of any kind.

Case No. 8. The most egregious and highly visible political show trial among the cases related to Tirgu Mures is the one against Pal Cseresznyes. Despite a proceeding marred by severe violations of due process, on July 7, 1992, Mr. Cseresznyes was sentenced to ten years' imprisonment for allegedly kicking ethnic Rumanian Mihaila Cofariu, even though the Medical Examiner's report and the physician who treated Cofariu stated that the victim's life-threatening wounds were not caused by kicks. On June 7, 1993, the Supreme Court rejected Cseresznyes' final appeal and upheld the original verdict. Cseresznyes has been in custody since December 1990 in various Bucharest and Tirgu Mures (Marosvasarhely) prisons, during which time he has been frequently beaten and occasionally denied food.

Case Nos. 9-11. On April 15, 1992, ethnic Hungarians Andras Fuzesi, Albert Fuzesi and Arpad Papp from the village of Padureni (Erdocsinad) lost their final appeal and were sentenced to four years imprisonment for seeking to protect their village from outside intruders on March 20, 1990. Even thought the case had already been settled among the parties, with the defendants paying monetary damages, the prosecutor nevertheless filed suit. The judges in the case included Ioan Sabau and Otilia Stefanescu, both of whom are prominent members of the neo-fascist organization Vatra Romaneasca. The prosecutor was Gheorghe Andreicut, who had served as Ceausescu's Chief Prosecutor and also belongs to Vatra Romaneasca.

The cases of Balint Hanzi and Jozsef Galaczi, Gypsies from the village of Singeorgiu de Mures (Marosszentgyorgy), Mures County, no longer appear on the above list of eleven political prisoners, because they recently finished serving their sentences of three years imprisonment for no greater crime than "insulting an official." Similarly, Ferenc Szabadi, an ethnic Hungarian stretcher bearer at the Tirgu Mures hospital was released from prison in September 1993 after having served three years and three months of his five year sentence for allegedly "beating the incoming wounded."

II. RULE OF LAW QUESTIONABLE

Failure to prosecute shootings of 1989 demonstrators and perpetrators of anti-Hungarian violence in March 1990

When needed, the Rumanian criminal justice system can apparently function swiftly and thoroughly, as evident from the eleven cases above. In cases involving high-level officials, however, it seems curiously inept. In contrast to Case Nos. 1–7 above, ex-Securitate officers positively identified as having carried out the massacre of citizens during the Rumanian uprising of December 1989 (when over 1,000 citizens were shot by army and police forces loyal to Ceausescu) have received only light sentences or been set free, on the pretext that "they were only following orders."

Iulian Vlad, Ceausescu's onetime Securitate commander-in-chief, was sentenced to only nine years in prison on the charge of "favoring genocide."

David Stefan, a former Securitate chief and onetime interrogator and torturer of dissidents in Caras-Severin (Krasso-Szoreny) County, is presently a Senator in the Rumanian Parliament.

Ex-Securitate General Radu Tinu, responsible for carrying out the dictator's 1989 campaign of terror against Rev. Laszlo Tokes, was released from prison on the first anniversary of the revolution. A few months later, Tinu wrote an abusive letter directed against Bishop Tokes, who had sparked the 1989 anti-Communist uprising. National Salvation Front Senator Vasile Vacaru read this letter aloud as part of a four-day, televised anti-Hungarian slander campaign in Parliament, and then defended Radu Tinu as a "true hero."

The Military Prosecutor has closed the criminal case against six former members of the Rumanian Communist Party and Cluj (Kolozs) County leadership implicated in the shooting deaths of 26 citizens and injuries to 63 citizens of Cluj (Kolozsvar) on December 21, 1989. The reason: the charges against them "do not constitute genocide," or do not exist in the criminal code.

Similarly, in contrast to the stiff sentences meted out to Hungarians and Gypsies in connection with the March 1990 events in Tirgu Mures, the only two Rumanians charged, Ioan Gorea and Alexandru Berchi, received sentences of only one year correctional work to be served at the place of employment for "offending public morals" and "forceful and armed entry into a political party's headquarters," respectively. Trial witnesses had identified both men as beating ethnic Hungarians fleeing from the March 19 attack on the Democratic Alliance of Hungarians in Rumania (DAHR) office in Tirgu Mures. Furthermore, top army and police officials identified as complicit in the attacks were not prosecuted, but actually promoted to higher rank.

The judiciary and state prosecutor

The investigations, trials and extra-legal proceedings in the above-mentioned 11 cases present clear evidence of systemic abuses and due process violations in the Rumanian legal system, which continue uncorrected to this day. The lack of judicial impartiality is a critical aspect, evident not only in the disproportionate ratio of ethnic Hungarians to Rumanians sentenced in these cases, but in the fact that the judges involved in the Tirgu Mures March 1990 trials were overtly affiliated with the extremist-nationalist organization Vatra Romaneasca.

Another serious issue is the unwillingness of the Office of the State Prosecutor to bring charges in a number of cases where obvious criminal acts had been committed. These acts include attacks on members of the Gypsy community, the attacks on the house of certain opposition leaders, and the slandering of the Jewish community by the weekly Europa.

Unfortunately, the instances of failure to investigate or file charges in cases where clear evidence of criminal conduct exists are legion. On October 31, 1991, for example, Bishop Laszlo Tokes sought criminal proceedings for libel against the extremist-nationalistic weekly Phoenix. Fourteen months later, on January 13, 1993, the Bihor County Prosecutor's Office replied that it would not investigate on the (rather novel) grounds that Rev. Tokes himself was responsible for the negative portrayal, that he had allegedly not contested it, and that "Tokes' behavior is also characterized negatively in other newspapers (Romanul, Adevanul, Democratia) as well as by certain Rumanian parliamentarians in speeches they gave on May 6, 1991." In his appeal—comparatively hastily rejected by the Prosecutor General on May 7, 1993—Bishop Tokes argued, to no avail, that instead of issuing a legal decision, the County Prosecutor had made a political one.

Although the Rumanian authorities have stated that "nationalistic and chauvinistic propaganda, and incitement to racial or national hatred is punishable, under Article 317 of the Criminal Code" and "under Article 166, the spreading of fascist propaganda by any means in public carries a penalty of five to fifteen years' imprisonment and the withdrawal of certain rights," it seems clear that the will to apply these laws is lacking.

The lack of consistent application of laws in the Rumanian legal system is evident not only in the failure to bring charges when warranted (as in the cases related to the March 1990 Tirgu Mures attacks), but in the fact that the prosecutor's office has also

Dropped charges, despite sufficient evidence (also in cases related to the Tirgu Mures violence); and

Pressed charges when plaintiffs had already withdrawn their complaints (as in Case Nos. 10–12 above).

Conversely, state prosecutors have initiated investigations and carried out house searches based on flimsy evidence, anonymous reports and dubious grounds, themselves committing serious human rights abuses of the following kinds:

The desecration by police of the Hungarian Reformed Church of Savadisla (Tordaszentlaszlo) on March 19, 1992, and concurrent searches of the homes of the minister, Rev. Zoltan Szoke, and the local DAHR (Hungarian Democratic Alliance) leader, Imre Boldizsar Zeyk, followed by police interrogations;

Searches of the Hungarian Reformed Church of Liteni (Magyarleta) and the residence of its minister, Rev. Lajos Bartha, the same day;

Illegal house searches in Heveder (Hargita County) on March 24, and intimidation of the same victims by police on April 3, 1992.

Continuing police harassment, commencing March 26, 1993, and assessment of fines against Catrina Feer, an ethnic Hungarian from Girleni, Bacau (Bako) County for teaching Hungarian gratis to children in her own home. Not only has the Interior Ministry not reprimanded the local police chief for abuse of power, but in a May 20, 1993 letter he accused Feer of "inappropriate behavior" and sent her complaint letter back to the same judge.

In sum, it is the actual functioning, or breakdown, of the various components of the legal system—and not so much the lofty text of various legal provisions which have been adopted—which casts serious doubt on respect for the rule of law. In its present condition, the legal system seriously jeopardizes the right of citizens to be free from state-sponsored intimidation and does not contain adequate safeguards, either in law or in practice, to insure the full and fair application of justice.

III. INDEPENDENT PRESS AND MEDIA CURTAILED

Ceausescu-era propagandist takes over national television

The independence and impartiality of Rumanian State Television (RTV)—centrally owned and under tight government control—is highly questionable.

Instead of applying Articles 317 and 166 of the Criminal Code on nationalistic and chauvinistic propaganda quoted above, on January 27, 1993 the government appointed Paul Everac as the new director of RTV. This move was by no account a negligible measure but a clear reinforcement of the government's alliance with extremist forces and a marker of its inability to excise itself from the grip of extreme nationalists within its own ranks.

Notorious as one of Ceausescu's "court poets," a playwright whose propaganda pieces sang the praises of every decision of the Rumanian Communist Party, and an avowed anti-Semite whose manifestos are comparable in vehemence and extremism to those of Joseph Goebbels, Everac has written for the extremist nationalist press and published a "political program" which Romania Libera, Bucharest's main opposition newspaper, characterizes as "the Rumanian Mein Kampf." The "program" recommends dividing the country's population into hierarchical castes based on intelligence, with a view toward ethnic and "moral" purity, and headed by a single leader. Population growth among non-Rumanian ethnics would be "discouraged," their emigration "encouraged."

In a 1992 writing published in Bucharest entitled The Reactionary: A Moral-Political Essay, Everac has this to say about 'the Jewish Question" and Rumania: "A practical and mercantile feeling without an equal and perfected by rapacity and mercilessness . . . The Jews became nowadays the most intolerant people . . . They were always the agents of certain revolutions [and] have unseen aerials everywhere and direct the culture of the whole civilized world, from the Russians to the Americans." Everac ends this diatribe on an ominous note: "Finally, we have something to settle. Not by means of action, but by reaction." (see Appendix)

It should be emphasized that the individual responsible for this and similar tirades is not some marginal figure working at the lunatic fringe of society (as occurs in all too many other countries as well), but that he was conspicuously chosen by the Illiescu leadership to head the most influential media outlet in the country.

Not surprisingly, since his appointment Everac has instituted draconian "regulations" reminiscent of Ceausescu-era methods: RTV employees must submit detailed written reports of every contact with other members of the press. They are also forbidden, under threat of being fired, from "spreading gossip" or "unconfirmed reports" about their superiors.

Minority-language television broadcasting sharply reduced

It should be remembered that on February 3, 1991—just two days after Rumania gained

Special Guest status at the Council of Europe—a government order effectively reduced minority-language television programming by 60 percent. Not only was the number of broadcast hours cut, but half of the remaining minority-language programs are now broadcast on a channel whose signal cannot be received in Transylvania—the region which is home to most of Rumania's national minorities. To this day Hungarian- and German-language television broadcasts have not been reinstated.

Since the Hungarian-language program is broadcast with Rumanian subtitles and is popular for its objective reporting among Rumanian viewers as well, it is repeatedly subject to harassment. For example, in early February 1993, Department Head Radu Gheorghe Sefarim issued a written directive forbidding minority-language programs from broadcasting programs with any political content, that is, anything other than "cultural programs aimed at the preservation of heritage." Despite an appeal to Everac from the heads of the Hungarian-and German-language programs, the ban has not been officially rescinded.

Government revokes independent TV licenses

In November 1992, the government-appointed National Audio-Visual Council rescinded the broadcasting licenses of the independent TV stations in Oradea (Nagyvarad), Brasov (Brasso), Timisoara (Temesvar) and Constanta. These well-established, popular TV stations were among only 30 applicants for 73 available wavelengths, yet their applications were refused. ("Statement" by Untelpro, Union of Independent Television Stations in Rumania, December 3, 1992.)

At the same time, Europa nova, the handpicked new proprietor of the Temesvar station, is owned by Iosif Constantin Dragan, a Rumanian emigre businessman long notorious in the West for his Iron Guard sympathies, his secret police connections and for having promoted the Ceausescu dictatorship. Under government license, Dragan's Europa Nova now also owns radio and TV stations in Iasi, in addition to Timisoara (Temesvar).

Dragan and Everac are not the only cases where the Rumanian government has expressed its preference for the far right. With the proliferation of anti-Semitic, anti-Hungarian and anti-Gypsy publications, the Iliescu leadership has yet to clearly distance itself from xenophobic hysteria and to appeal for moderation. Given the violent and destabilizing impact which the constant drumbeat of government-supported anti-minority sentiments can have, President Iliescu's glib statement at the UN World Conference on Human Rights in June 1993—that "this is probably the price we have to pay until our whole society will become more mature in its democratic exercise"—appears altogether inadequate.

At the same time, however, lawsuits against Corneliu Vadim Tudor, the notorious editor-in-chief of the extremist nationalist newspaper Romania Mare have dragged on for years. In one trial, in Ploesti, Tudor was acquitted on the specious grounds that he cannot be guilty because he is a writer and everything a writer writes is literature. At the same time, it was Tudor's neo-fascist newspaper that Interior Minister Doru Viorel Ursu awarded with a citation for Most Objective Reporting in 1991.

In addition to the government's control over the distribution of newspapers, it should also be noted that the state continues to hold a monopoly on the paper supply and is therefore able to influence the scale of independent and opposition papers, hindering the free flow of information.

IV. PARLIAMENTARY DEMOCRACY BLEMISHED

Serious doubts are cast upon the unhindered functioning of parliamentary democracy and respect for the rights of the opposition by the following two recent incidents:

Persistent evidence exists, corroborated by national Salvation Front Vice President Adrian Severin, of wiretaps used against the political opposition in 1992-'93, including the Democratic Convention's assembly room; the homes of Democratic Convention leaders Dinu Patriciu and Emil Constantinescu; the National Privatization Agency offices; the press room of the Parliament; and the Bucharest headquarters of the Democratic Alliance of Hungarians in Rumania. Pressed for an explanation in January 1993, SRI spokesman Nicolae Ulieru could muster only a contradictory pronouncement: "The SRI has no connection to these microphones . . . and anyway, the task of discovering the microphones should have been undertaken by the appropriate authorities." (Romania Libera, January 22, 1993) Presidential spokesman Traian Chebeleu refused to comment. (Romania Libera, January 23/24, 1992)

On May 27, 1993, Corneliu Vadim Tudor, leader of the neo-fascist Romania Mare ("Greater Rumania") Party had his bodyguards beat up Aristide Dragomir, a National Salvation Front parliamentarian, in the halls of the House of Deputies.

Free and fair elections? Firing independent judge, elections marred by show trials against pro-toleration candidates

Under the guise of the "reorganization of the judiciary" (according to Law 92/1992 in effect as of July 1, 1993), during which period the Minister of Justice assumes extraordinary powers, recently-appointed Minister Petre Ninosu summarily fired Corneliu Turianu, President of the Bucharest Municipal Court. Turianu had been the judge who during the September 1992 national elections brought a ruling nullifing Iliescu's senatorial candidacy since it was unconstitutional for him to run for the offices of both president and senator. After the Supreme Court overrode Turianu's decision, the case was sent back to the lower court which upheld its original verdict, thus barring Iliescu from running for senator. Turianu had been long-regarded as an active proponent of instituting an independent judiciary, yet cynically, the excuse of "de-politicizing the administration of justice" was given by Ninosu—coincidentally Iliescu's lawyer during the aforementioned Supreme Court trial—for dismissing Turianu (Evenimental Zilei, July 16, 1993).

The local elections of February 9, 1992 were marred by serious extralegal abuses which remain uncorrected to this day. On January 23, the Mures (Maros) County court barred candidate Istvan Kiraly from running for mayor of Tirgu Mures (Marosvasarhely), citing "abuses" with which Kiraly, an ethnic Hungarian, had never even been charged. Moreover, the Rumanian Supreme Court ruled that the Mures County court ruling against Kiraly had been illegal, yet declared that for "procedural reasons" it could not overturn the ruling. The Vienna-based International Helsinki Federation for Human Rights (1992 Annual Report of Activities, p. 56) describes the ruling as seen from an international perspective: "In February, [New York-based] Helsinki Watch sent a letter to President Ion Iliescu protesting the decision of the local court in Tirgu Mures to prohibit Istvan Kiraly from running for mayor in the local elections. Helsinki Watch concluded from a review of the court's decision that 'there can be little doubt that Mr. Kiraly was not allowed to run as a candidate because of his political views and ethnic origin,' which are in clear violation of international standards. The Committee also protested the court's ruling that Mr. Kiraly is not a worthy candidate for public office, finding this an improper role for the judiciary. Helsinki Watch pointed out that it is the essence of the democratic process to let the electorate determine the worth of candidates."

Two years ago the same County Court resorted to a secret trial to bar two human rights advocates, Mr. Elod Kincses and Ms. Smaranda Enache, from running for office in the May 1990 parliamentary elections, based on charges from the same "group of citizens" who filed a complaint against Kiraly. Despite repeated appeals, Kincses, Enache and Kiraly have been denied all forms of remedy or redress.

In connection with the generally accepted notion that despite some concerns surrounding the regularity of national and local elections, most international observers agree that they were free and fair, it seems important to bear in mind that the holding of elections is a multi-faceted process which begins long before the actual day of the election. HHRF that the pre-election day abuses cited above are highly relevant to an assessment of the fairness of elections, especially when committed by the president of a country.

Central Government retains local control; ethnic Hungarian prefects summarily dismissed

The Rumanian government retains the right, as under Communism, to appoint the most powerful locals in Rumania—the County Prefects. These Prefects wield veto power over popularly elected local councils, but are not themselves answerable to the electorate.

Last summer, the central government wielded its power over County Prefects in a highly arbitrary move: on July 20, 1992, the Rumanian government summarily dismissed Rumania's only two ethnic Hungarian Prefects, Imre Pataki and Ferenc Fodor (from Harghita) and Covasna (Kovaszna) Counties, respectively, where Hungarians comprise 70-80 percent of the population), replacing them with ethnic Rumanians. The Prime Minister's removal order stated no explanation for the sudden measure.

Despite repeated protests from the counties' populations and negotiations lasting well over a half a year with the Democratic Alliance of Hungarians in Rumania (DAHR) leadership, the government totally disregarded the legitimate request for this most important post to be occupied by ethnic Hungarians in at least these two counties. (None of Rumania's 40 countries has an ethnic Hungarian Prefect.)

In response, Prime Minister Stolojan temporarily resorted to the mechanism of "Co-Prefecture," appointed two Co-Prefects to each of the mentioned counties; one Rumanian and one Hungarian—again, a measure not applied anywhere else in the country.

Ultimately, in March 1993, prime Minister Vacariou dispensed with even this nominal gesture and appointed ethnic Rumanians Vlad Adrian Casuneanu and Doru Vosloban as Prefects in Covasna and Harghita Counties, respectively.

V. MINORITY RIGHTS RESTRICTED

Relegated to second-class citizen status for over two decades, Hungarians and other national minorities in Rumania were subjected to a wide ranging, systematic campaign of forced assimilation at the hands of the Ceausescu dictatorship. Scapegoated and

persecuted, their leading dissidents exiled, imprisoned or killed—it seemed little wonder that the 1989 Rumanian revolution was sparked by the resistance of Hungarian Reformed Church Minister Laszlo Tokes.

It is precisely the reversal of Ceausescu-era policies and practices that the Hungarians of Rumania seek; restoration of their human and minority rights, full and equal participation in all aspects of society—in short, freedom from stigmatization and discrimination. But, for ethnic Hungarians, the 3½ years since the revolution have been characterized by a long and bitter succession of broken promises, hallmarked by the lack of implementation of the previously quoted January 1990 National Salvation Front Declaration on the Rights of National Minorities.

It should be emphasized that in their efforts to seek Rumanian government compliance with internationally accepted norms regarding human and minority rights, the Democratic Alliance of Hungarians in Rumania have neither in writing or orally voiced extremist sentiments or excessive demands. At every possible forum, it consistently rejects secessionist solutions and actively seeks dialogue and reconciliation. In contrast, it is the government which has set an example of intolerance by openly colluding with extremist elements, issuing superfluously restrictive decrees and perpetuating anti-democratic practices.

Government promotes anti-minority agenda; overt collusion with neo-fascist forces

During local elections held in February 1992, the ruling National Salvation Front campaigned together and shared candidates with the Rumanian National Unity Party, the political arm of Vatra Romaneasca, and the new Romania Mare Party, another neo-fascist organization. This is the same party whose president, Gorneliu Vadim Tudor declared at a June 12, 1992, press conference that "Bullets suit Gypsies best. A bullet costs only 7 lei."

During October 1991, the Rumanian Parliament devoted four full days to public, televised excoriations of the Hungarian minority and its "collective guilt."

In a February 1992 speech in Parliament, Senator Romulus Vulpescu went so far as to call for the creation of "concentration camps for Rumania's Hungarian citizens."

Rumanian Government Endorses Notorious Anti-Hungarian Mayor

The gross abuse of power and pernicious attempts at provoking hostilities between ethnic Hungarians and Rumanians on the part of Gheorghe Funar, mayor of the multi-ethnic city of Cluj (Kolozsvar) are well-known internationally. It is important to bear in mind, again, that Funar is not an isolated phenomenon at the fringe of society; He is president of the right-wing nationalist Rumanian National Unity Party and ran for the presidency of the country last year, garning 11 percent of the vote nationwide. His flagrant violation of Rumanian laws and international norms reflects a systemic problem—tactily condoned, and sometimes overtly supported, by the Iliescu government. It should be noted that in the following examples, the central government could have chosen to positively apply the power vested in the County Prefect, whose role is "to watch over the lawfulness of the local council activity." Cluj County Prefect Grigore Zanc, however, has been inconsistent and lukewarm in bringing Mayor Funar to court for violating the law, among others in the following ways:

Decreed that all public gatherings in the city must be approved by him personally at least three days in advance, and must specify the purpose of the gathering and a list of participants.

Ordered two Hungarian high schools, the Unitarian Church parish and a store operated by St. Michael's Roman Catholic Church, to remove their bilingual (Hungarian-Rumanian) signs and then assessed heavy fines, claiming that such bilingual signs are "illegal" (they are not);

Arranged the summary dismissal of a Hungarian-language high school principal Attila Balint-Kelemen of the Samuel Gymnasium, ignoring written protests from all 68 (Hungarian and Rumanian) teachers at the high school;

Attempted to evict the Hungarian Students' Association (MADISZ) from its offices in Cluj despite the existence of a legally binding tenancy agreement;

Prohibited the Hungarian Theater of Cluj (a 200 year-old Hungarian cultural institution) from advertising its (Hungarian-language) plays in tri-lingual posters;

Ordered workers to remove the Latin inscription on the historic King Mathias statute in Cluj and replace it with a Rumanian quotation—an illegal act, according to Rumanian laws on historic preservation (Decree 27/1992, Law 50/1991, and Law 69/1991, Paragraph 21(g) on Local Self-Government) and an open anti-Hungarian provocation. Local Hungarians protested peacefully and en masse—as yet, to no avail.

Yet it is this mayor with whom President Iliescu chose to make a pre-election appearance, and whose Rumanian National Unity Party the National Democratic Salvation Front chose to support. On June 4, 1992, in a public appearance with President Iliescu, Funar delivered an anti-Hungarian tirade, reiterating his decisions to prohibit bilingual signs ("we're going to impose fines every 48 hours"), cut back Hungarian-language education ("There are no Hungarian schools in Kolozsvar!"), and evict the Democratic Alliance of Hungarians in Rumania from its Cluj (Kolozsvar) office ("which they had the audacity to occupy"). President Iliescu's only response to Funar's plainly illegal machinations was to blame Hungary for ethnic tensions. ("Elnok es polgarmester" ("President and Mayor"), Szabadsag (Kolozsvar), June 10, 1992)

Discriminatory education policies and practices prevail

Restoring Hungarian-language education in Rumania—once a wide-ranging network of schools methodically dismantled by the Ceausescu dictatorship—has been at the center of the Hungarian minority's aspirations since 1989. But today, the Rumanian Parliament has rejected the key proposals by Democratic alliance of Hungarians in Rumania deputies which would allow native-language instruction in all subjects at all levels. Moreover, Rumania officials at the highest level have also categorically rejected even the idea of reestablishing the Hungarian Bolyai University in Cluj (Kolozsvar) which looks back on a 400-year old history and was forcibly dissolved by Ceausescu in 1959.

In fact, the current draft laws on education expressly curtail native-language education, thus dealing a severe blow to he long-term survival of minority communities. The draft laws on education.

Effectively ban the teaching of history and geography in the Hungarian language in any school in the country;

Prescribe that these subjects may be taught only by ethnic Rumanians; and

Prohibit the teaching in any minority language of all subjects in the medical, legal and business professions as well as in vocational, technical and agricultural schools.

The latter provision would outlaw existing university-level courses taught in minority languages, including Hungarian-language medical training at the Tirgu Mures (Marosvasarhely) School of Medicine and Pharmacology.

Underrepresentation of ethnic Hungarians

Ethnic Hungarians continue to be grossly underrepresented at all levels of government and the public sector including state-owned companies, the police force, leadership of the armed forces, the diplomatic corps and the judicial system. It follows naturally that there are no ethnic Hungarians in the higher echelons of power, including any of the ministries. A few striking examples follow:

There is no ethnic Hungarian minister, deputy minister or state secretary in the government;

There is not one ethnic Hungarian ambassador;

There are no Hungarians in leading parliamentary bodies, nor in the Audio-Visual Council, nor in the Chief Comptroller's Office, nor in the Council of Magistrates, nor on the Supreme Court;

The combined ethnic Hungarian population of Bihor (Bihar), Satu Mare (Szatmar) and Salaj (Szilagy) Counties is 384,000. Yet, there is not a single ethnic Hungarian notary public in either county;

As previously mentioned, in July 1992, the Prime Minister summarily dismissed the only two ethnic Hungarian Prefects—the most powerful local officials in the country—from Harghita (Hargita) and Covasna (Kovaszna) Counties where Hungarians comprise 70–80 percent of the population. But, whereas the numbers would warrant it, neither are there Hungarian Prefects in the Counties of Mures (Maros), Bihor (Bihar), Cluj (Kolozs), or Satu Mare (Szatmar), each inhabitated by over 100,000 Hungarians, nor in the Counties of Times (Temes), Brasov (Brasso), Salaj (Szilagy), Arad, or Maramures (Maramaros) which each have Hungarian populations between 50–100,000;

Hungarians are underrepresented in the economic sector as well: For example, while Mures County has an ethnic Hungarian population of 41.3 percent, only 11 percent of its state-owned enterprises have Hungarian directors. The ratios are similarly discouraging in other heavily Hungarian-populated Counties: Satu Mare 9.6 percent versus 35 percent, Salaj 6.2 percent versus 23.7 percent, Covasna 56.8 percent versus 75.2 percent, Bihor 12.1 percent versus 28.5 percent and, City of Oradea 5.2 percent versus 33.2 percent [Figures based on the 1992 census];

Another highly revealing phenomena is the virtual absence of Hungarian-related street names in key Transylvanian cities. For example, in Arad, only 1.6 percent, in Oradea 1.2 percent, in Cluj 2.8 percent, in Tirgu Mures 2.4 percent and in Satumare 2.6 percent of all streets bear Hungarian-related names. In contrast, however, the Hungarian populations of these cities are 15.7 percent, 33.2 percent, 51.1 percent and 40.8 percent, respectively;

VI. HUMAN CONTACTS LIMITED

Ceausescu-era government decrees restrict contacts with foreigners

Attempts at hindering contacts between citizens of Rumania and the outside world have an especially hard impact on ethnic Hungarians who have many co-nationals living in the surrounding countries.

On May 4, 1993, Rumanian State Secretary for Education Romulus Pop issued Directive No. 29633, which prohibits all citizens of Rumania employed in the educational system from traveling abroad without prior official permission. The directive explicitly cites a 1969 Ceausescu-era law to punish transgressors.

In response to an inquiry in Parliament on May 17, 1993, Education Minister Liviu Major first denied, then confirmed that the decree is in effect. ["A tanugyminiszter fullent, es magyar tanfelugyeloket vadol" ("The Education Minister Fibs, Then Accuses Hungarian Superintendents"), Haromszek, May 27, 1993] In fact, on June, 1993, Sandor Wilhelm, the ethnic Hungarian principal of the Theoretical Lyceum in Sacueni (Szekelyhid), Bihor (Bihar) County, was summarily fired for having traveled to Eccausinesse, Belgium at the invitation of that town's mayor. Mr. Wilhelm does not have the right to appeal.

In Document No. 28/3096, issued October 9, 1992, then-Foreign Minister Adrian Nastase decreed that government employees—whether at the central, county or local level—may not maintain contact "with officials of the Republic of Hungary, or of other countries" without the express permission of the Rumanian Foreign Ministry.

The two decrees violate not only international norms protecting the right to maintain human contacts, but Rumania's own laws as well, including Law No. 69/1991 on Local Automony. Nevertheless, both decrees remain in effect.

VII. OTHER ISSUES

Rumanian Intelligence Service (SRI)

There is serious reason for concern as regards the absorption of former Securitate officials into the Rumanian Intelligence Service (SRI) and the establishment of effective civilian control over its activities. It would appear vital to closely scrutinize developments in the following issues:

1. Does the Supreme Council of National Defense continue to be in charge of intelligence services as defined in Articles 92 and 118 of the Rumanian Constitution? And does the possibility for the SRI to justify otherwise prohibited activities on national security grounds still exist?

2. Has the bill proposing a joint committee of the two chambers to control the SRI actually been passed? What specifically are the control mechanisms?

3. Has the bill put before Parliament on May 21, 1993, making the Director of the SRI responsible to the Minister of Justice, and not a minister in his own right, not answerable to parliament, actually been passed?

Similarly, it would seem important to monitor developments in the following other issues:

4. Has the bill on the organization of and exercise of the profession of the advocate adopted by the Senate and pending before the Houses been adopted?

5. Has an amendment to the Criminal Code decriminalizing private homosexual acts between consenting adults been adopted by the Parliament?

Torture and ill-treatment

Both Helsinki Watch and Amnesty International issued reports in 1993 documenting the systematic and brutal mistreatment of arrestees at police stations which would have warranted the immediate attention of the Rumanian authorities. Rather, in responding to questions on the topic posed by Gunnar Jansson, Rapporteur on Rumania on the part of the Council of Europe, the Rumanian authorities chose a disingenious method to sidestep the issue of basic human rights violations by responding first that they "have no knowledge of the content of this report, which has not been sent to them," and then avoiding responsibility because "no names were given in the Helsinki Watch report" (Committee on Legal Affairs and Human Rights. Memorandum Submitted by Mr. Gunnar Jansson, Rapporteur, dated August 17, 1993, Section 8. Torture and Ill-Treatment, Paragraph 2 and Response to Question No. 4).

CONCLUSION AND RECOMMENDATIONS

Despite the Rumanian government's record of backtracking on commitments, HHRF is also mindful of recent statements, such as President Iliescu's confirmed intent to "go ahead on the path of democratic reforms, and to undertake in the shortest possible time measures recommended by the rapporteurs of the Council of Europe that would bring the democratization of the Rumanian society and its institutions in line with the standards set up by the Council" (June 22, 1993 Letter by Foreign Minister Teodor Melescanu to Frederic Konig, Rapporteur on Rumania for the Council of Europe, Paragraph 4).

President Iliescu's pronouncement, however, stands in stark contrast to the recent rejection by a key member of his own government, the Minister of Education Liviu Major: "The proposals of the Nationalities Council regarding signs in the minority languages are nothing more than simple proposals. We do not want to sign them. We do not have to honor these proposals. I do not think they will be implemented. I do not think this is only a private opinion. I say this as a member of the government, in fact, not just any member of the government. Maybe this provision [regarding bilingual signs] should be implemented if a minority formed eighty percent of the local population. We have no right to violate the provisions of the constitution." (Quoted in: Szabadsag, Cluj, August 24, 1993)

Such retrograde sentiments were echoed last month by other Rumanian leaders (as quoted in Szabadsag, Cluj, August 26, 1993):

"Those citizens who do not want to speak Rumanian, or read and write in the official language of our state, have the right to settle in other countries, including their mother country."—Gheorghe Funar, President of the Rumanian National Unity Party (August 19, 1993).

"The first and foremost responsibility of national minorities in Rumania is to pledge allegiance to the state and to learn the Rumanian language. Let it be clear to everyone: this is Rumanial"—Corneliu Vadim Tudor, President of the Greater Romania Party (August 20, 1993)

"Approval of bilingual signs is destabilizing and against the Nation . . . Minorities in Rumania enjoy too many rights as it is."—Valentin Borda, President of the Bucharest Chapter of Vatra Romaneasca ("Rumanian Hearth Union") (August 24, 1993)

Congress should withhold MFN pending genuine liberalization by the Rumanian Government

Based on the foregoing uncertainties, HHRF believes that prior to receiving Most-Favored-Nation status, it would be vital that as a good faith measure the Rumanian government:

1. Release from prison all 11 political prisoners mentioned in this report;

2. Adopt a Law on National Minorities guaranteeing national minorities the right to preserve and foster their linguistic, cultural and religious identities;

3. Adopt a Law on Education allowing minority-language instruction of all subjects at all levels, in line with Recommendation 1201 of the Parliamentary Assembly of the Council of Europe (June 22, 1993 Letter by Teodor Melescanu, Minister of Foreign Affairs, to Mr. Friedrich Konig. Point 3, Paragraph 4 and Konig Report, dated July 19, 1993, Minority Issues, Point 41);

4. Declare in principle a willingness, and take initial steps to reinstate the Bolyai University in Kolozsvar, with a 400-year past, as an independent Hungarian-language institution of higher education; and

5. Reinstate adequate minority-language television programming on Rumanian National Television.

During the past three years, Members of the United States Congress, Helsinki Watch, PEN American Center, and other concerned individuals and organizations have addressed letters to the Rumanian leadership on numerous occasions, seeking information on, and redress of specific and verified human rights abuses. Nevertheless, the Rumanian government has failed to respond to a single such letter—even in words, much less action—and the problems remain unresolved.

The concerns addressed in this letter are shared by nearly 2 million Hungarians in the United States, along with countless other Americans hoping for the victory of democracy in Eastern Europe. International human rights groups such as Amnesty International and Helsinki Watch, as well as two Bucharest-based ethnic Rumanian organizations (LADO and APADO), have also documented and publicly condemned many of the gross violations outlined above. HHRF and these groups are not arbitrarily "singling out Rumania for discriminatory treatment," as claimed by some business interests and other promoters of the neo-socialist Iliescu government. Rather, we are evaluating Rumania's performance in terms of its own freely assumed commitment to uphold the Helsinki Final Act, and according to the standards of decency and human rights set by the other countries in the same region.

For the past 17 years, the Hungarian Human Rights Foundation, formed in 1976 and existing through 1987 as the "Committee for Human Rights in Rumania," has consistently monitored human rights conditions in Rumania with special, though not exclusive attention to the plight of the 2.5 million strong ethnic Hungarian population. Every word of more than 1,000 pages of printed Congressional testimony—including ten occasions before the International Trade Subcommittee—was dedicated to the proposition that U.S. trade benefits should be granted selectively, to promote the people's aspirations for human rights and decency, and not cynically bestowed, to support repressive governments.

The same motive drives our appeal to you today: We ask the U.S. Senate to review the evidence of regressive, anti-democratic behavior by the Iliescu government over the past 3½ years, and to condition the granting of MFN status on specific, real and verifiable positive measures in the areas of respect for human rights and the rights of national minorities. Historically and at the present time, MFN provides a singular opportunity to exercise influence in favor of positive change, using a device to which the Rumanian regime is highly responsive. Temporarily withholding that status until Rumania takes at least some corrective measures is the realistic and laudable approach which we urge the Senate to adopt.

Our organization does not seek any permanent denial of MFN to Rumania, which

would benefit all the peoples of that country, including the Hungarian minority. We argue only, as we have for 17 years and as Congress agreed in 1987, that this measure should be granted in a way which truly benefits the people, not their oppressors. By delaying the restoration of MFN status to Rumania until the latter's government takes concrete steps to redress human rights abuses and institutes specific and verifiable measures to improve its record, the United States can encourage true and lasting democratic reform in Rumania.

Very truly yours,

Hungarian Human Rights Foundation,

LASZLO HAMOS,

President.

Mr. LIEBERMAN. Mr. President, the issue before us today is whether or not to approve the administration's granting of most-favored-nation status for Romania. I have watched developments in Eastern Europe with great interest since 1989 when the people of these countries which had been under Communist shackles for too long propelled themselves on the road to democracy and free market economies. The road they have traveled has been neither easy nor free of obstacles and I applaud the efforts of the countries of Eastern Europe to change their economies and systems of government.

I have taken particular interest in events in Romania and am heartened by the progress which I have seen in Romania's slow and painful movement to democracy. Throughout the transition which has been taking place, I have worked with the State Department and my colleagues in the Congress to ensure that we did all we could to encourage the people of Romania, but that we not lose sight of a basic tenet of all democratic societies and every society that aspires to be democratic—that all peoples regardless of whether they are part of a minority or majority in a country have a right to live in peace and security, free from capricious and arbitrary violations of their human rights.

I have worked for and spoken out on human rights issues, particularly as they pertain to Romania, throughout my time in the Senate. In May 1990, when I cochaired an international delegation which observed national elections in Romania, I met in Bucharest with leading members of the Hungarian community there to discuss their problems and prospects for improvements. Since then, I have been in frequent contact with the United States Department of State and have continually urged it to keep human rights issues at the fore as Romania, or any other country, sought improved relations and most-favored-nation status.

Today, as we stand on the verge of approving the administration's request to grant most-favored-nation status to Romania, I want to bring to the attention of my colleagues, the administration, and the Government of Romania my continued concerns for minorities, such as the Hungarian community, living in Romania. The Department of State has indicated to the Congress that it believes the human rights situation in Romania continues to improve. The recently created Council for National Minorities in Romania is making progress in developing legislation and regulations protecting the use of minority languages and dealing with other pertinent issues. The Romanian press is cited as being free and vigorous and new private radio and television stations have been licensed. All of these are good signs that Romania is on the right path. But even those with the best of intentions sometimes stray from the right path. I urge my colleagues and the administration to remind the Government of Romania that this favored trade status is being granted, in part, because of the administration's assessment that sufficient progress has been made in a number of areas including human rights. If the Government of Romania were to falter in its protection of the rights of its minorities, or worse, if it were to return to the repressive practices and policies of the prerevolution regime, most-favored-nation status could be jeopardized.

I do not want to stand in the way of the aspirations and movement to democracy and free markets by any nation. There is great concern that without most-favored-nation status, the Romanian Government might falter in its progress toward democracy. The transition to a market economy is a particularly painful, slow, and costly process. The people of Romania look to the United States for an indication that the pain they are enduring, and will endure for some time, is, in fact, worth the benefits they ultimately will reap by living in a democratic society with free markets. It is important to note that today all Romanian political parties, including the ethnic Hungarian UDMR, support most-favored-nation status for Romania.

I believe we must do all that we can to continue Romania's march to democracy. Approving most-favored-nation status is an important part of what we can do. As we act on this important measure, I call on the Government of Romania to continue its efforts to protect the rights of all its people and to pursue with renewed vigor and genuine concern the questions of human rights violations which have arisen, particularly concerning the Hungarian minorities in Romania. The people of Romania and the world community deserve nothing less.

ORDERS FOR MONDAY, OCTOBER 25, 1993

Mr. MITCHELL. Mr. President, I now ask unanimous consent that when the Senate completes its business today, it stand in recess until 2 p.m. on Monday, October 25; that following the prayer, the Journal of the proceedings be deemed approved to date, and that the time for two leaders be reserved for their use later in the day.

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

RECESS UNTIL MONDAY, OCTOBER 25, 1993, AT 2 P.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 11:34 p.m., recessed until Monday, October 25, 1993, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate October 21, 1993:

DEPARTMENT OF ENERGY

MARTHA ANNE KREBS, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE OF ENERGY RESEARCH, DEPARTMENT OF ENERGY, VICE WILLIAM HAPPER, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

MARY RITA COOKE GREENWOOD, OF CALIFORNIA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE KARL A. ERB, RESIGNED.

DEPARTMENT OF JUSTICE

ALAN D. BERSIN, OF CALIFORNIA, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF 4 YEARS, VICE WILLIAM BRANIFF, RESIGNED.

JAMES BURTON BURNS, OF ILLINOIS, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF 4 YEARS, VICE FRED L. FOREMAN, RESIGNED.

JOSEPH LESLIE FAMULARO, OF KENTUCKY, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF 4 YEARS, VICE KAREN K. CALDWELL.

WALTER CHARLES GRACE, OF ILLINOIS, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF ILLINOIS FOR THE TERM OF 4 YEARS, VICE FREDERICK J. HESS, RESIGNED.

MICHAEL DAVID SKINNER, OF LOUISIANA, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF LOUISIANA FOR THE TERM OF 4 YEARS, VICE JOSEPH S. CAGE, JR., RESIGNED.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS 1, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

BRUNO J. CORNELIO, OF CALIFORNIA
DAVID P. EVANS, OF MARYLAND
GRAHAM BURRELL KERR, OF NEW YORK
JAMES MUDGE, OF COLORADO
MARY L. LEWELLEN, OF NEVADA
GARY E. LEWIS, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS 2, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHARLES RICHARD AANENSON, OF WASHINGTON
HENRY LEE BARRETT, OF CALIFORNIA
DEBASHIS DAVID BOSE, OF THE DISTRICT OF COLUMBIA
MELLBERTH BOWLING, OF VIRGINIA
WILLIAM MICHAEL FREJ, OF CALIFORNIA
MICHAEL TILESTON FRITZ, OF OREGON
MICHAEL STAYTON KEPLER, OF TEXAS
JAY KNOTT, OF THE DISTRICT OF COLUMBIA
KIFLE NEGASH, OF MICHIGAN
THOMAS M. OLSON, OF VIRGINIA
WILLIAM R. PARISH, II, OF CALIFORNIA
SUSAN RILEY, OF CALIFORNIA
MARIO ROCHA, OF CALIFORNIA
JAMES B. SANFORD, OF TEXAS
JANE E. STANLEY, OF VIRGINIA
PETER W. SULLIVAN, OF PENNSYLVANIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS 3, CONSULAR OFFICERS AND SECRETARIES IN THE

DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

THOMAS E. MOORE, OF TEXAS
RUSSELL Y. SMITH, OF OHIO

AGENCY FOR INTERNATIONAL DEVELOPMENT

ROBBIN E. BURKHART, OF TEXAS
ALLEN P. FLEMING, OF MARYLAND
NANCY J. LAWTON, OF VIRGINIA
KAREN L. OTTO, OF FLORIDA
MITRO DARREN ROMAN, OF ARIZONA
MARY ELIZABETH VALENZUELA, OF WASHINGTON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS 4, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

GRENVILLE E. DAY, OF IDAHO

DEPARTMENT OF AGRICULTURE

DAVID L. NEUBERT, OF ALASKA

DEPARTMENT OF COMMERCE

HENRY S. RICHMOND, OF HAWAII

U.S. INFORMATION AGENCY

GREGGORY CROUCH, OF THE DISTRICT OF COLUMBIA
ELIZABETH W. DAVIS, OF CALIFORNIA
ANNE E. GRIMES, OF VIRGINIA
CAROL S. HARLOW, OF WASHINGTON
LISA L. HELLING, OF COLORADO
JEFFREY JAMISON, OF PENNSYLVANIA
DALE A. LARGENT, OF WASHINGTON
MATTHEW C. MASON, OF CALIFORNIA
JOHN C. SULLIVAN, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE AND THE U.S. INFORMATION AGENCY TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

STEWART J. BALLARD, OF VIRGINIA
DANIEL BAZAN, OF TEXAS
HEIDE L. BENNER, OF VIRGINIA
DAVID C. BROOKS, OF CONNECTICUT
PAUL VINCENT BRUNING, OF VIRGINIA
CHRISTOPHER LOWELL BUCK, OF COLORADO
KEVIN A. BUCK, OF VIRGINIA
JOHN R. CARLINO, OF TEXAS
THOMAS P. CARROLL, OF ILLINOIS
TANIA BOHACHEVSKY CHOMIAK, OF VIRGINIA
GEOFFREY HUNTER COLL, OF NEW YORK
CHERRIE SARAH DANIELS, OF TEXAS
JUDY R. EBNE, OF THE DISTRICT OF COLUMBIA
CHERYL EIA, OF MISSOURI
MARTHA J. HAAS, OF ARIZONA
RUDOLF P. HAHN, OF VIRGINIA
SUSAN M. HALEY, OF VIRGINIA
JOHN WESLEY HARRISON, OF MARYLAND
LINDA J. HARTLEY, OF CALIFORNIA
JOHN STEPHEN HORNING, OF VIRGINIA
PAUL HOROWITZ, OF OREGON
SHARON E. HUDSON, OF PENNSYLVANIA
CONSTANCE COLDING JONES, OF INDIANA
CAROL R. KALIN, OF THE DISTRICT OF COLUMBIA
SARAH E. KERPER, OF VIRGINIA
SCOTT JACOB KESSLER, OF MARYLAND
JOHN CHRIS KIRIAKOU, OF MARYLAND
NICHOLAS H. KOUMJIAN, OF CALIFORNIA
RICHARD GUSTAVO MILES, OF FLORIDA
MANISH KUMAR MISHRA, OF PENNSYLVANIA
WILLIAM E. MOELLER, III, OF VIRGINIA
MICHAEL W. O'HARE, OF VIRGINIA
STEVEN LOUIS PIKE, OF NEW YORK
TED D. PLOSSER, OF THE DISTRICT OF COLUMBIA
THOMAS J. QUINN, JR., OF CALIFORNIA
DAVID M. REINERT, OF NEW MEXICO
JAMES H. RIAL, OF VIRGINIA
DEBORAH A. RUTLEDGE, OF KENTUCKY
PAMELA KAY SCHEFFLER, OF VIRGINIA
MARCO AURELIO RIBEIRO SIMS, OF THE DISTRICT OF COLUMBIA
ANTHONY KENNETH STEPLETON, OF FLORIDA
MARK L. STREGE, OF FLORIDA
MATTHEW J. SWEENEY, OF VIRGINIA
STEPHEN ANDREW TANSKI, OF VIRGINIA
ANN TULL, OF VIRGINIA
DAVID H. L. VAN CLEVE, OF CALIFORNIA
SUSAN M. WALSH, OF ALABAMA
OLIVER EUGENE WICKLUND, OF MARYLAND
LORRAINE VALERIE WILLIAMS, OF VIRGINIA
CHARLES T. WINBURN, OF INDIANA
PAMELA E. WOODARD, OF ILLINOIS
RICARDO F. ZUNIGA, OF VIRGINIA

CONSULAR OFFICER OF THE UNITED STATES OF AMERICA:

TERRY SORGI, OF WISCONSIN

SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

RICHARD R. RIES, OF VIRGINIA

CONFIRMATIONS

Executive nominations confirmed by the Senate October 21, 1993:

DEPARTMENT OF DEFENSE

NORA SLATKIN, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

DEPARTMENT OF COMMERCE

JOHN DESPRES, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WILLIAM J. GILMARTIN, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

LEGAL SERVICES CORPORATION

HULETT HALL ASKEW, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1995.

LAVEEDA MORGAN BATTLE, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1995.

JOHN G. BROOKS, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1995.

NANCY HARDIN ROGERS, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1995.

DOUGLAS S. EAKELEY, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1996.

F. WILLIAM MCCALPIN, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1996.

MARIA LUISA MERCADO, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1996.

THOMAS F. SMEGAL, JR., OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1996.

JOHN T. BRODERICK, JR., OF NEW HAMPSHIRE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1996.

EDNA FAIRBANKS-WILLIAMS, OF VERMONT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR THE TERM EXPIRING JULY 13, 1995.

ERNESTINE P. WATLINGTON, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR THE TERM EXPIRING JULY 13, 1996.

FEDERAL MEDIATION AND CONCILIATION SERVICE

JOHN CALHOUN WELLS, OF TEXAS, TO BE FEDERAL MEDIATION AND CONCILIATION DIRECTOR.

SMALL BUSINESS ADMINISTRATION

CASSANDRA M. PULLEY, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

JAPAN IN A NEW WORLD ORDER

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1993

Mr. ABERCROMBIE. Mr. Speaker, Professor Yasumasa Kuroda, as an authority on United States-Japan relations and West Asia, is uniquely qualified to address Japan's role in the long, complex, and difficult task of making peace between Israelis and Palestinians. He has authored, coauthored or edited more than 100 scholarly articles, seven monographs and five books. His work has appeared in Arabic, English, Hebrew, Italian, and Japanese. He has served as a member of the editorial board of the Journal of Arab Affairs since its inception in 1982. In addition to his faculty position at the University of Hawaii, he has served as a research fellow of the Hebrew University, where he conducted the research for "Japan in a New World Order: Contributing to the Arab-Israeli Peace Process."

JAPAN IN A NEW WORLD ORDER: CONTRIBUTING TO THE ARAB-ISRAELI PEACE PROCESS

(By Yasumasa Kuroda)

Our problem is people. If a land is peopled by another nation, there is no sense to talk about the land as though it were empty. Yet, that is what we did, and that is what we will no longer do. . . . They, of course, denied our right to exist, and that was futile. Shimon Peres

Our hearts sing with hope today . . . We have finally come to recognize that neither side will have peace and tranquility if it denies this to the other, that neither of us will establish our legitimacy by killing the other, that security comes from mutual acceptance. Sami Kilani

(The Honolulu Advertiser, Sept. 10, 1993, A11)

THE OBJECTIVE: ITS SCOPE AND CONSTRAINTS

Since the historic Madrid Peace Conference of 1991 to end hostility between Arabs and Israelis based on UN Security Council Resolutions 242 and 338, the world has anxiously waited for peace to break out at last in the Holy Land. It now appears that the moment has arrived as Peres and Kilani characterized a critical moment in history and as Chairman Yasser Arafat and Prime Minister Yitzhak Rabin shook hands at the White House and an agreement of mutual recognition and principles signed. The signing of the agreement is difficult enough but the implementation stage of the agreement will be even more challenging.

The present study is aimed at providing alternative policy options for Japan to make the peace process viable in cooperation with the United States and Europe. The objective is to define what would be the preferred role Japan should play in the Arab-Israeli peace process so that not only the fiasco of the Gulf War policy is not repeated but also so that in the end Japan will be respected and appreciated by Arabs and Israelis alike. The report is designed to enhance the national interests of all parties concerned including Americans, Israelis, Japanese and Palestinians without harming of any one.

There are a number of constraints in attempting to achieve the objectives outlined here. Perhaps the one that deserves attention here is that the peace Israelis and Palestinians are attempting to achieve is impossible if you wish to satisfy every ideological and religious group. However, we need to recognize that both Hamas and other ideologues on the Palestinian side and Kahane followers, Gush Emunim and others on the Israeli side are making contributions to peace, just as moderates on both sides are trying to achieve when viewed from a wider perspective in the long run. In America, a large majority of us came to accept Martin Luther King as a mainstream civil right activist at least in part as a result of the sacrifice Malcolm X and others made. However, peace is possible only between moderates, the Labor-Meretz coalition and the mainstream PLO supporters.

Japan's participation is necessary for the successful implementation of the peace process for several reasons.

First, the outcome must be a win-win or a "shared-victory" for the two parties in conflict, as Gorbachev puts it. The two adversaries are in the peace process to gain—be it security for Israel or the right of self-determination for Palestinians. For them to achieve their objectives requires not only ideas but massive financial resources which the United States is no longer in a position to offer alone. Hence, Japan's participation is needed. This was made clear by Secretary of State Warren Christopher when he said that the major contributors should be in Gulf states and Japan, not the United States. He added on Sept. 2, 1993 that Japan has already agreed to assist.

Second, as Japan desires to play a greater role in the world politics arena as manifested in its explicit desire to become a permanent member of the United Nations Security Council, Japan must fulfill obligation as an economic superpower in the post Cold War era. One such obligation is to assist parties in conflict to divert their energies and resources from fighting each other to building a communitarian would—bringing peace. Moreover, Japan's obligations are not solely based on its economic status. As a nation defeated and devastated in war against the United States and its allies, Japan managed to recover not only from its war-stricken economy but also successfully developed friendly relations with its former enemy, the United States. Americans and Japanese hated and distrusted each other as much as humanly imaginable during World War II, just as Arabs and Israelis have since May 1948. Contrary to some who assume that the Arab—Israeli conflict is centuries old, it is a struggle between two competing nationalist forces that led to armed conflicts in this century, especially after May 15, 1948 when Israel declared itself an independent state in Tel Aviv, Palestine. In fact, Arabs and Jews lived in peace under the Ottoman Empire for four centuries prior to the outbreak of World War I.

How did Americans and Japanese turn their mutual hate to friendship? The United States and Japan can perhaps share some of their experience with Arabs and Israelis who no longer wish to be prisoners of the past memories filled with violence. They can together start a new chapter in history as represented in the words of Foreign Minister Shimon Peres as he revealed his earlier secret negotiations with the PLO Economic Development Department Director and Japan-Palestinian Friendship Committee Chair Abu Alla and others on August 19, 1993 in Norway.

Third, Japan's constitution calls for its people to contribute to world peace when its preamble proclaims:

"We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize that all people of the world have the right to live in peace, free from fear and want . . .

"We, the Japanese people, pledge our national honor to accomplish these high ideals and purposes with all our resources."

Japan has learned in the Gulf War that its participation in world affairs requires more than just contributing financial resources but the way one provides such assistance is crucial to its successful contribution to the world peace. I am certain that Japan wishes to participate in the peace process but wishes to do so effectively so that its participation is appreciated by all parties concerned, including the United States, By so doing, Japan can achieve its objective of becoming a leader in the development of a new world order in the Post Cold War era.

What are some of the arguments against Japan's involvement in the building of peace in the region?

First, Japan was not responsible for either the Palestinian problem or anti-Semitism which led to the rise of Zionism. Although Japan was an ally of Nazi Germany, it did not engage in any systematic anti-Semitic activities. In fact, Japan refused to hand over Jewish refugees in China to German authorities. Japan's only possible responsibility was that it is a signatory to the San Remo Conference, resulting in the establishment of the British Mandate over Palestine. Japan was not a member of the UN on November 29, 1947, when the General Assembly passed its partition plan for Palestine that deprived Palestinians of their land. The United States pushed for the plan as did Europe. The Palestinian problem arose as a direct consequence of a UN policy about land that it did not own. The United States and the EC should make compensation for the land the Palestinians lost. Japan had no hand in that matter.

Second, if Japan has any money, it should first recompense East Asians, such as Korean "comfort women," who suffered so much at the hands of Japanese soldiers during World War II. Japan also has not paid its past dues for UN peacekeeping.

Third, Japan perhaps ought to have paid for the Gulf War, since it gets 70 percent of the oil it needs from the Gulf. But that is not the case with the Arab-Israeli peace process, since Japan's trade relations with Israel and its immediate neighbors are limited.

Secretary of State Warren Christopher in Washington, D.C. on a Sept. 2 radio interview revealed that if interim self-rule is realized in the occupied territories, the Gulf nations and Japan will provide necessary funds for the development of the area. The United States will assist but it will not be the main player in financial aid to the area. (The Hawaii Hochi, Sept. 3, 1993, 1) Israeli sources reported in Tel Aviv on September 3 that the United States, the EC and Japan are conferring to offer $560 million to start the establishment of self-rule in Jericho and Gaza. (The Hawaii Hochi, Sept. 4, 1993, 2)

It appears that irrespective of the merits or demerits of Japan's participation in the peace process Japan will take part in the Arab-Israeli peace process as indicated by Foreign Minister Tsutomu Hata when he attended the Middle East peace signing ceremony on the South Lawn of the White House on Sept. 13. If so, the question is: "How best Japan can achieve its objectives?"

THE APPROACH

First of all, I decided to find out what Arabs and Israelis expect of Japan and what they would like to see Japan do for the peace process. I interviewed PLO officials, in Tunis as well as Americans, Israelis, Japanese, Jordanians and Palestinians in Israel, the occupied territories (the West Bank and Gaza), and, in Jordan. Some of them were officials who are directly involved in the peace process, while others were advisors or otherwise concerned with the process (including such leading figures in Peres' secret channel deal with the PLO as Abu Ala, Yossi Beilin and Yair Hirschfeld).

Second, I presented historical patterns of Japanese foreign policy making in the Middle East to demonstrate how Japan might best fit in the peace process given characteristics that are not repeated here. However references will be made to them.

Third, since Japan's participation in the peace process represents an uncharted map in the post cold war era, I have generated a model for the peace process, weaving my findings from the interviews into the model.

Fourth, I summarize findings by a series of propositions describing the preferred role for Japan as it participates in the Arab-Israeli peace process.

A modified version of Michael Haas' communitarian paradigm (Polity and Society, New York: Praeger, 1992, 236-239) is used to organize my findings.

THE COMMUNITARIAN MODEL

The Japanese in the last half of the 20th century successfully developed a communitarian society described by Karl W. Deutsch et al (Political Community and the North Atlantic Area, Princeton Univ. Press, 1957, 5) as a "security community" in which an intense sense of belonging prevails and violence is minimized while they went through rapid industrialization and urbanization. Israeli Jews do have a strong sense of community, but it does not extend to include Gentiles in the Holy Land. In the words of Deutsch, Israeli society is not "integrated." His definition of a security community requires the development of a conviction that common problems must and can be resolved peacefully. Haas' communitarian paradigm focuses on ideological and material parameters for building peace. Palestinians, obsessed by their desire to establish their own state, were willing to sacrifice material gain in the intifada by such measures as closing their shops at noon. While Israelis are equally obsessed with their concern for security, they relied on US aid to maintain military dominance and to ensure economic prosperity.

A model of the bilateral relationship between Arabs and Israelis most viable to develop and sustain a positive peace is found in the fostering of a healthy symbiotic relationship socially, economically and environmentally. Several forms of symbiotic relations already exist such as Israeli use of a Palestinian labor force, the latter perform subordinate jobs. In reality, if the Japan-U.S. bilateral relationship is any indication, it may not be necessary to be symmetric in all areas of the relationship. Observe how lop-sided Japan-U.S. relations are in two key areas, security and the economy. They need each other in different area. Japan depends totally on the United States for its external security. Likewise, Palestinians must depend on Israel for their security threats from outside while Palestinians will develop enough forces to maintain domestic order at least for the immediate future.

A proposed model of communitarian society is outlined by using small letters for metaphysical idealist and large letters for materialist concepts:

COMMUNITARIAN MODEL

Psychological needs: security/self-determination.

External inputs and economic incentives.

Peace treaty/land and government.

Economic needs: tourism, water, technology transfer, labor, refugee/settler settlements, foreign aid, investment, etc.

Technical collaboration.

Functional organizations: tourism, water, pool, work management, trade agreement, domestic security and external defense, etc.

Increased social transaction under symmetric structure.

Increased foreign trade, investment and tourism.

Symbiotic prosperity.

Mass support.

Political conflict resolution: peace.

Basically what the model proposes is to move towards the development of a communitarian society by satisfying both peoples' psychological and material needs through a peace treaty and the development of their economies based on a more symmetric structure, external input in the form of loans, aid, investment, technology transfer and trade, resulting in symbiotic prosperity. Heavy Israeli dependence on the United States for economic and military aid will cease, and its economy will be gradually integrated into the regional economy in the East Mediterranean, while expanding its trade with the rest of the world. The result is the breaking out of *Salaam and Shalom* simultaneously in both Israel and Palestine for neither one can exist alone in isolation. The proposed model is probably close to Shimon Peres' model for the peace process. He spoke of building a "civic community" and a "new common wealth" in the Holy Land at his White House speech on Sept. 13, 1993.

Now, how can Japan best fit into the building of a communitarian society?

THE PREFERRED ROLE OF JAPAN IN THE PEACE PROCESS

Preferred alternative futures of the Japanese policy towards the peace process are broken into three categories of when, how and how much Japanese involvement.

1. WHEN?

Arabs in general and Palestinians in particular are urging Japan to get involved directly and as soon as possible, whereas the Israelis are anxious to have Japan play a larger role in the region but are uncertain about what Japan might do. The United States and Israel would like to see Japan closely coordinate its involvement in the peace process with the Untied States. Many Israelis tend to perceive the EC, which already provides direct assistance to Palestinians, with some apprehension.

In terms of timing, Japan can offer immediate incentives in order to facilitate Israeli withdraw of military forces and the re-settlement of Israelis from Gaza and the West Bank and the establishment of self-rule for Palestinians and the resettlement of Palestinian refugees. The rest of the peace process will be carried out over a longer period—say 10 years.

In short, the answer is the sooner the better, but in close consultation with the United States, since Japan has not established itself as a visible independent actor in the region.

2. HOW?

Japan's key foreign policymaking has been noted for its close cooperation with the United States. Some have even characterized Japan as in this regard a rich American poodle. This policy is an integral part of the Yoshida doctrine established in 1951. Also, noted is Japan's uncanny ability to establish good relationships with two conflicting parties, such as with Iraq and Iran during their war,—an omnidirectional policy, as some call it. These traits constitute strengths for Japan in taking part in the peace process.

However, Japan must modify its style of diplomacy in order to be effective in achieving its objectives and more appreciated by Arabs and Israelis. First, Japan should be more decisive and explicit in its intents. Second, it should pay more attention to the public relations aspects of what it decides to do. It should get involved both with substance and with a colorful flair. Third, Japan should be more pro-active and less reactive if Japan is to earn respect from the Semitic peoples.

Israelis are justifiably apprehensive about Japan's long record of adhering to the Arab boycott, although the Bush-Kaifu meeting in Los Angeles in 1991 made it clear that Toyota Motor Co. among other companies abandoned the Arab boycott. Israelis do not know how to deal with a Japan that continues to maintain a relatively low profile in Israel.

There are several suggestions to be made here in order to move toward the establishment of a communitarian society in the region.

(1) A comprehensive review of the literature available must be carried out. For example, reports prepared by the Israeli Ministry of Tourism, the UN agencies (e.g., UNCTAD/RDP/SU/7, Dec. 31, 1991), and the Arab Tourist Industry Coordinating Committee should be consulted before any official policy is formulated. Furthermore, there are five multilateral committees composed of arms control, economic development, environment, refugees and water committees. Any effort to extend assistance must consult with these committees and their reports to be effective. In addition, both official (Israel and the PLO) and academic and private economic development plans and other research publications abound on both sides. The Truman Research Institute for the Advancement of Peace has a series of joint Israeli-Palestinian reports on various topics of importance to the peace process. Private research institutes in Israel, the occupied territories and elsewhere such as the United States are involved in these research activities as well.

(2) Because of the proximity of several countries in the region, any planning needs

to take the whole region into consideration. This is especially true of the problem of water shortage. The differences among geographically close nationalities and groups are often striking, which must be taken into consideration. For example, Israelis per capita income is about 10 times that of the West Bank Palestinians. Gaza Palestinians (600,000) are even worse off than their West Bank counterparts (900,000) and, not surprisingly, they are more radicalized in their orientation. The total Palestinian population is estimated to be about 6 million, most of whom live in Jordan (2 million) and the occupied territories. Furthermore, about a million Gentiles, most of whom are Christians and Muslims who often identify themselves as Palestinians, live amid 5 million Israelis. Asian and African Jews (Sephardim) constitute a majority in Israel, whereas European Jews (Ashkanazim) are a minority.

(3) Unlike other areas including the Gulf region with which Japan has dealt for a considerable time, Israel and its immediate neighbors are relatively alien to Japan. Although Japanese interest in the Middle East has increased significantly since the First Energy Crisis in 1973, neither Japanese nor Arabs and Israelis know much about each other. Japan cannot be effective in helping the region if Japan does not have enough people who know the region. Japanese expertise in the region is lacking in comparison with the Americans and Europeans. In order for Japan's participation in the Arab-Israeli peace process to be effective, I would propose for Japan to establish a research/training center in Jerusalem to promote mutual understanding between West Asians and the Japanese and to make Japan's contribution to the Arab-Israeli peace process both viable and successful. The center should offer language training for Arabs, Israelis and Japanese, orientation programs for businesses, especially in the tourist industry and for investors, and engage in policy-oriented research activities in the region to enhance the chance for peace. The Center should establish close cooperative working relationships with the Hebrew University of Jerusalem and Bir Zeit University to advance its objectives.

For what areas of involvement might Japan be suited? Japan indeed has more than just financial assistance to offer to the region. It has technology, ideas, trade, tourism, training, education and personnel. In fact, if Japan limits itself to financial assistance only, it will repeat the same mistake it made in the Gulf War. Obviously, sending Japan's self-defense forces for peace-keeping operation under the United Nations is one option. However, there are many other nonmilitary areas in which Japan can assist. Palestinians without any doubt need to build everything from an infrastructure on up, while Israel may benefit from increased cultural exchange, scholarship, trade, investment and technology transfer.

(1) Tourism is one area Japan and the international community as a whole can get involved in as peace is restored in the Holy Land. Japan has already officially expressed interest in this area. Reasons for focusing on tourism first are many. The cost of developing tourism through changes in diplomatic and government regulations, so that foreign tourists may freely move from Arab countries to Israel and vice-versa is minimal and will follow the signing of peace treaties between Israel and its neighbors. Outside capital is needed to upgrade hotels in East Jerusalem and other occupied territories where tourists may wish to visit. More Palestinians need to be trained as tour guides, interpreters and in other positions to promote quality tourism so that they can compete with Israelis on an equal footing. Tour companies also need to upgrade their busses and other vehicles. With few exceptions, much of this area of assistance can be in the form of low-interest loans. The Palestinian hotel industry will need loans and grants for better roads and other infrastructure. Outside assistance should also include environmental engineers as both Israelis and Palestinians make more extensive use of the land than ever before for housing, tourism and industrialization.

Japanese tourists in relation to others are likely to spend much money during their stay because of their custom of buying souvenirs for their friends, colleagues, and relatives. There are already some licensed Japanese-speaking tour guides in Israel, including some from Japan operating in Israel. There is a urgent need to increase Japanese-speaking tour guides, particularly for Palestinian tour companies. However, extreme caution must be exercised in describing historical sites, since Israeli guides have been educated and trained to view everything from Zionist perspectives in history that are not always shared by Palestinians. The PLO and Israeli governments must cooperate in developing revised tourist guide books and videotapes that can be accepted by both parties. If not, the least they can do is to follow the editorial policy pursued by the editor of Israeli Yearbook and Almanac to make explicit the limited nature of what is offered. Its editor-in-chief Naftali Greenwood makes it clear at the outset the Rashomonesque nature of reality when she wrote "What I see depends on where I stand." (Israel Yearbook & Almanac, 1991/1992, Vol. 46, 1) The point here is that Japanese tour companies must be careful in dealing with the politically and religiously sensitive nature of the region.

Japanese tour companies should be encouraged to form joint ventures with Israelis or Palestinians to serve the needs of Japanese tourists, many of whom do not speak any foreign language. The Japanese government should formulate policies for Japanese tour companies in such a manner that there will be no criticism from local business that Japanese tourists visit the Holy Land only through Japanese tour companies.

(2) Self-Rule in Jericho and Gaza requires the construction of governing bodies from the ground up. Buildings in both areas are dilapidated and lack many paved roads. Even if the Palestine Liberation Army is to be transferred to Jericho and Gaza to maintain law and order, the PLO will need financial and material assistance in a variety of areas from communication and transportation to building new housing units and schools. Ground transportation between Gaza and Jericho through Jerusalem must be improved immediately by reducing taxis and increasing buses.

(3) The Israeli government must convince 112,000 Israeli settlers to resettle within the green line. The United States gave $5 billion for Israel to withdraw from Sinai after the Camp David accords. Israel in turn provided $50,000 per settler family to move out of the Sinai. The government of Israel must use financial incentives for resettlement. Some Israelis may remain in the occupied territories depending on the outcome of negotiations. If some Israeli settlers are to remain in what is to become Palestinian territories, Palestinians are likely to demand the same treatment that some of them be allowed to return to their homes from which they were expelled after 1948. In short, everyone must compromise and learn to tolerate. Arafat and Rabin have agreed to recognize each other's right to exist and to start a new page in history by agreeing to resole differences through negotiations and not violence.

Another related problem is to resolve the Arab-Israeli problem of Jewish refugees from the Arab countries. This must be resoled as an integral part of the comprehensive peace agreement between Israel and Arab governments, such as Morocco, Yemen and Iraq.

(4) Palestinian refugees in the West Bank, Gaza, Jordan, Lebanon, Syria and elsewhere need to resettle also, probably outside of the green line. An Israeli economist's estimate of the cost of housing for Palestinian refugees is $50,000 per housing unit for at least 250,000 refugees. If Israel receives outside financing, more of those units can be built. Palestinian refugees who choose not to return to the West Bank or Gaza need to be compensated for the loss of their property in Palestine. The UN is historically responsible in part for the loss of property since in 1947 it recommended the partition of Palestine. Financial compensation must be provided.

The elimination of all Arab and Jewish refugees and the prevention of future refugees are a sine qua non to the resolution of the Arab-Israeli conflict. Refugee camps must disappear from the landscape in the occupied territories and their neighboring countries, UNRWA must cease operations.

(5) There is shortage of water, so the limited supply needs to be fairly and equitably distributed. The immediate problem is how to distribute underground water in the West Bank and Gaza between Israelis and Palestinians as the Israeli withdrawal proceeds. Gaza's water shortage is critical. Although this must be resolved bilaterally between Israelis and Palestinians, the problem may be eased if new sources of water are promised from the outside. Otherwise, the two parties must somehow learn to share the currently available water. Israel has total control over water at the present. Palestinians claim over the 80 percent of water in the West Bank is used by Israel.

Desalinization requires large capital and poses environmental challenges as well. Alternatives are diverting water from Turkey, Egypt, Syria or Lebanon to the Holy Land. These alternatives, too, require much capital as well as difficult negotiations with neighboring countries. The continuous supply of water from foreign countries no doubt threatens the security of the Holy Land. Recycling of water for agricultural and industrial use must be increased.

There is no question that new factories, highways, farms and housing will be built as soon as the peace process begins. However, all these development plans hinge on how much water will be made available where, and for what use. The government of Israel and the PLO must ensure that a sufficient supply of water will be available for the developments. How will they discharge their responsibility? Outside assistance is needed to develop more efficient water recycling facilities, for example.

(6) Investment activities involving Arabs, including non-Palestinian Arabs, and Israelis are already taking place and are expected to increase rapidly as the peace process proceeds as planned. Israeli businesses are well aware of the high priority that Palestinians place on their pride and dignity and the need to limit investments. Bennie Gaon, CEO of the largest company in Israel, Koor Industries, is planning to invest $60 million a joint venture with Palestinian partners in the

West Bank, but he is limiting its share to 25 percent as a recent issue of Business Week reported. (9/13/93, 53)

Increased foreign investments from Europe, Japan, the United States and other countries are anticipated. Unlike their Western counterparts, Japanese companies are less familiar with Israel and its immediate neighbors. The more they become familiar with the region, the greater their success will be. The purposed Center for Japan-Middle East Studies in Jerusalem in cooperation with several existing research institutes in Japan such as the Japanese Institute of Middle Eastern Economies (which has a branch office in Cairo) and the Middle East Institute of Japan could assist Japanese corporations as well as ODA programs in the region. Private investments and official assistance programs in the region will be greatly enhanced by having such a center. Israel/Palestine is likely to become a hub of the regional business activities in years to come as Shimon Peres and others have dreamed. The Arab Middle East market in large-200 million-strong. Some countries are rich while many are poor to be sure, but there is a large potential market for Israel if Tel Aviv is accepted as a good neighbor. Foreign investments need to be carried out in an orderly fashion to protect fragile environments and to benefit the local population.

(7) Japan-Israel trade has been on the increase but remains minuscule. As the Arabled boycott of Israel ceases, Japan's exports to Israel will rise sharply. Israeli exports abroad have been dominated by the export of weapons abroad. This is likely to change. Japan is also likely to start importing more Israeli products, including diamond, which has been the single largest import item in Japan.

Unlike the EC, Japan has no direct trade relationship with Palestinians. Following the mutual recognition of Israel and the PLO, Japan could and perhaps should start its direct relationship with Palestinians in the occupied territories.

To contribute effectively towards the building of peace—a communitarian society of the highest quality possible requires an early establishment of the proposed Center for Japan-Middle East Studies in East Jerusalem to coordinate input into the East Mediterranean region or at least a coordinating body in the location. Government officials, business leaders and specialist scholars must cooperate to make Japan's participation in the region a success for not just Japan but all parties concerned. In so doing, I strongly urge Japan to bring non-Japanese into the development of such a center or coordinating body. Unlike American and other Middle East study institutes, the existing research institutes on the Middle East in Japan have no non-Japanese as regular staff members or researchers. Japan should open its doors to non-Japanese nationals to demonstrate its resolve to treat every woman and man equally.

How Much Involvement?: The extent to which Japan and other countries should get involved in economic aid, trade and investments depends largely upon what Israel and the PLO decide to do about their bilateral economic relationship. To what extent should economic borders between the two be open or closed? Palestinians need to protect their existing industries while they revitalize them. Although the World Bank says $3.5 billion is needed for the next ten years in the occupied territories, I am certain that the figure will change as the results of bilateral negotiation between Israel and the PLO become available.

Japan's contribution would be different from those of other superpowers in several perspectives. First, Japan has not been a weapon supplier to the escalating armed conflicts in the Middle East. Unlike the rest of Asia, Japan has never been in the Middle East as a colonial power in its history. Japan's contribution will be limited in that it will not involve any military aid. Second, Japan's contribution will be limited to cultural, diplomatic, technical, economic, and financial areas of aid that are expected to flow into the region in the post Arab-Israeli Conflict era.

THE DISTINGUISHED SERVICE OF PHILIP PECORARO

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1993

Mr. STARK. Mr. Speaker, today I would like to take a few minutes to recognize Philip Pecoraro's distinguished career of service to the United States—especially to the people and children of Alameda County and the bay area.

For more than 33 distinguished years, Philip Pecoraro has served in public office as a teacher at the Alameda County Juvenile Court and Community Schools.

While working for the Alameda County Office of Education, Philip Pecoraro was a teacher of drafting and art and industrial arts. Previously, he was a ceramics instructor with the Piedmont recreation department and an elementary art teacher in Berkeley, CA.

The people of Alameda County will miss this dedicated man who spent his life teaching and helping the disadvantaged of our community. I want to join those who have recognized Philip Pecoraro for his monumental achievement.

TRIBUTE TO ED STEGNER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1993

Mr. SKELTON. Mr. Speaker, I take this opportunity to recognize Missourian for his lifelong dedication to wildlife and nature conservation, Ed Stegner.

Ed Stegner retired in July after 40 years of service as the executive director of the Conservation Federation of Missouri. He began his work with the Conservation Federation in 1953 at the age of 27, although he had long been active in local conservation clubs. During his tenure, Missouri set the standard for the Nation in the conservation of forestry, fish, and wildlife. He also played a significant role in the passage of two State sales taxes to finance Missouri conservation efforts. The Katy Trail, which turned an abandoned stretch of railway into a nature trail was one of his most difficult victories. During his career, Ed fought for what he believed, and made Missouri a better State.

I urge my colleagues to join me in congratulating Ed Stegner for a fine career of conservation and best wishes for a happy retirement.

BISHOP DENIS J. O'CONNELL HIGH SCHOOL—ONE OF THE BEST IN AMERICA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1993

Mr. SMITH of New Jersey. Mr. Speaker, in a White House ceremony today, Bishop Denis J. O'Connell High School was honored for its selection as a Blue Ribbon School of Excellence—one of the most prestigious and praiseworthy achievements in the world of education.

This remarkable accomplishment is the direct result of an uncompromising commitment to academic excellence, by both faculty and students, and an indomitable dedication to high moral principle. Of high significance to me, Mr. Speaker, is the fact that God is reverenced and respected at O'Connell and students are faithfully instructed in the precepts of the Catholic faith.

I have considerable first hand knowledge of O'Connell—my eldest daughter, Melissa is a student there—and I would tell my colleagues that Mr. Alward V. Burch, principal of the school runs a tight ship. And a good ship. As a parent, I know that the parents of O'Connell students have a tremendous amount of gratitude for Mr. Burch's, and the faculty's, commitment to our kids.

Noted for an academic curriculum with particular strengths in math, science, social studies and languages, O'Connell High takes pride in challenging its students and fostering a hunger for knowledge and learning. In fact, an impressive, awe-inspiring 98 percent of O'Connell's graduates go on to college studies.

Mr. Speaker, in conferring this honor on O'Connell, a Department of Education's review panel cited the school's many exemplary features including exceptional math and science program; its expectations of students and staff; it's Christian/family atmosphere; the leadership style of the administration and the school's high percentage of family involvements and support. The panel also noted that O'Connell's academic achievements are complimented by a diverse supplemental program which includes a Christian Service Program, 27 academic extracurricular activities, 15 service organizations, 3 publications, and 44 athletic teams in 17 different sports.

Mr. Speaker, it should be noted that Bishop O'Connell High School participated in a highly competitive, extensive selection process which included rigorous evaluation and onsite visitation by professional evaluators. O'Connell made each cut and ultimately was recognized as one of the best in America.

According to Secretary of Education Richard Riley:

> Each of the Blue Ribbon Schools has demonstrated the key ingredients for excellence. These include: leadership; an environment that promotes teacher growth and recognition; up-to-date and rigorous core curriculum and instruction; a safe orderly and drug free climate; strong parent and community support; and documented success.

Mr. Speaker, let me again congratulate O'Connell on achieving this extraordinary recognition and say to the nearly 1,200 students

who attend the school that you are both very special and fortunate.

ROADMASTER'S MILLIONTH BICYCLE ROLLS OUT

HON. PETER W. BARCA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1993

Mr. BARCA of Wisconsin. Mr. Speaker, I rise today to pay tribute to the workers and owners of Roadmaster Industries and the citizens of the town of Delavan, WI.

On Saturday, I will have the great honor of riding the 1 millionth bicycle made by Roadmaster in Delavan. Roadmaster has proved that Americans can compete against foreign competition if just given the opportunity. Just 10 years ago, two-thirds of the bicycles sold in our country were foreign-made. Today, two-thirds of the bicycles sold in our country are made in America, and Roadmaster has contributed to this turnaround.

In the process, Roadmaster in Delavan has created more than 400 new jobs just this year, by far the single largest increase in the work force in any single plant in the State of Wisconsin. In addition, the work force at Roadmaster represents the diversity that has helped to build our country.

Mr. Prescott Wurlitzer of Delavan has researched the reasons behind Roadmaster's success, and tells me that product innovations such as the development of mountain bikes, along with quality improvements and cost controls have contributed greatly.

Mr. Speaker, I want to commend the workers at Roadmaster and the citizens of Delavan on this enormous accomplishment. They have helped in their own community to provide a significant boost for the economy and for the pride that we should have in American workers and business.

HUNTERDON COUNTY'S REMARKABLE FAMILY TRADITION

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1993

Mr. ZIMMER. Mr. Speaker, last week marked both the end of an era and the continuation of a family tradition in Hunterdon County, N.J. In an era in which independent newspapers are being absorbed by media conglomerates or shutting their doors, I am pleased to tell my colleagues about the continued vitality of a newspaper that is both locally owned and has a strong commitment to community news.

Last week, H. Seely Thomas, the publisher of the Hunterdon County Democrat, retired after an impressive career of more than 40 years. The mantle of publisher has been passed on to his daughter, Catherine Thomas Langley, who becomes the third generation of the family to run the newspaper.

Seely began his career at the Democrat in 1952 after graduating from Middlebury College. His father-in-law, D. Howard Moreau, who owned the enterprise, made sure young Seely knew every aspect of the newspaper he would someday inherit. Seely started in the production shop and worked his way into the advertising department. He became business manager in 1958, general manager in 1963 and took over as publisher in 1964 upon the death of Howard Moreau.

Under Seely's leadership, the Democrat converted from its hot type mechanical printing presses to modern offset printing presses. The newspaper also computerized its operations and in 1974, moved from its Flemington offices to the plant it now occupies in neighboring Raritan Township.

During his tenure, the Democrat grew to its current status as the largest paid-circulation weekly newspaper in New Jersey.

Seely has a deep personal commitment to his community. He served on the Flemington-Raritan School Board and was a member of the board of directors of the Hunterdon County Chamber of Commerce and the Hunterdon County YMCA. He has also been active in the Flemington Lions Club and was a founding member of the United Way of Hunterdon County.

Seely's commitment to journalism is evident from his long-standing role in the New Jersey Press Association, of which he is a past president. This commitment is also evident to anyone who reads the Democrat on a regular basis.

The Democrat has a tradition of outstanding community journalism. Its reporting staff has always included a blend of senior reporters who intimately understand the county and cub reporters fresh out of college. Former Democrat reporters include novelists and reporters at some of the largest publications in the Nation.

It is said that a daily newspaper provides a snapshot of what is going on in a community on a given day. The Democrat is like a family album of Hunterdon County, offering readers coverage of local meetings the daily newspapers won't cover, high school sports and perceptive features on the people and places that make the county what it is.

The quality of the Democrat is unparalleled. Every year, the newspaper brings home a raft of journalism awards for writing, photography and design.

But perhaps the biggest compliment anyone can pay a newspaper-person comes every Wednesday evening, when lines form outside local newsstands in anticipation of the Democrat's arrival. As the saying goes in Hunterdon County, it's not news until it's in the Democrat.

While I regret his retirement, I know Seely will keep an eye on the paper in his position as chairman of the Democrat's board of directors.

Seely is leaving the paper in good hands. Catherine Thomas Langley has the Democrat in her blood. She began working at the paper after high school in the marketing, layout and design departments. She has also worked in the advertising department, in circulation, as a reporter and as an editor.

Catherine's mother, Anne Moreau Thomas, an outstanding journalist in her own right, is the home and food section editor of the Democrat. Her husband, Jay Langley, is the paper's editor and her brothers, John and Howard Thomas, are responsible for circulation and marketing, respectively.

Like her parents, Catherine is active in civic affairs. She is on the board of directors of the Hunterdon County Chamber of Commerce and the United Way of Hunterdon County. She is a member of the advisory board of the Hunterdon County affiliate of the Literacy Volunteers of America.

I am confident that Catherine Thomas Langley will continue her family's outstanding commitment to journalism and the community.

DOMESTIC VIOLENCE

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1993

Ms. FURSE. Mr. Speaker, I rise today to bring to your attention the problem of domestic violence in this country. Domestic violence is a growing problem that affects every sector of our society.

I was shocked to learn that in my district, in Portland, OR, the greatest number of homicides committed since January this year weren't gang-related murders or turf wars over drug territory—they involved domestic violence disputes.

Recent studies indicate that more women are seriously injured by beatings than by car accidents, muggings, and rape combined. Nearly one-third of all women admitted to emergency rooms are treated for injuries inflicted by their husbands or boyfriends.

There are thousands of victim advocates organizations around the country addressing this problem. They're on the frontline, at the local and community level. They have made the commitment to fight this problem every day and seek solutions with the people it so deeply affects.

However, many of these organizations lack the resources needed to adequately address the problem within all sectors of their communities. We should encourage their work.

Mr. Speaker, I am introducing legislation today called the Family Violence Community Initiative Act that will assist communities in bringing together the shelters, law enforcement, religious organizations, health care providers, teachers and principals to develop a coordinated community response to the problem. Because the problem of domestic violence is pervasive, involving so many different aspects of our society, only a coordinated approach can produce truly effective solutions. As with the concept of community policing, coordinated initiatives will maximize the assets currently in place in communities by uniting their efforts with those of other groups to ensure that we fully address this problem.

We can no longer ignore the startling facts. Prevention efforts are needed now. I invite my colleagues to cosponsor this bill and join me in curbing the violence in the home.

IN SUPPORT OF CONFERENCE REPORT ON H.R. 2519 COMMERCE-JUSTICE-STATE AND RELATED AGENCIES APPROPRIATIONS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1993

Mr. MARKEY. Mr. Speaker, I rise in strong support of H.R. 2519, the conference report on Commerce-Justice-State Appropriations for fiscal year 1994.

Mr. Speaker, the funds appropriated in this measure will help move our Nation forward in many important areas. Specifically, and perhaps most notably, this measure will help move our Nation into the 21st century in the area of telecommunications. The agreement provides $100 million for the Federal Communications Commission for fiscal year 1994, putting this important body on solid financial footing for the first time in many years. These funds will allow the FCC to upgrade its computer systems and other technical equipment, and will provide for additional personnel, training, and other essentials to ease the Commission's transition into the future.

H.R. 2519 also appropriates funds for the FCC in light of the new fee structure put in place by a provision of the Budget Reconciliation Act of 1993 that will allow the FCC to collect an additional $60 million. This new fee structure will permit the FCC to better fulfill its important regulatory obligations, including the implementation of the 1992 Cable Act and spectrum auctions. As communications technology increases in sophistication and complexity it is essential that the FCC has the funding it needs to best serve the American people. The funds provided in the conference report on Commerce-Justice-State Appropriations will benefit the American people by helping the FCC to successfully and effectively fulfill its mission.

H.R. 2519 also provides $71 million in fiscal year 1994 for the National Telecommunications and Information Administration. I urge my colleagues to support this significant first step towards building our Nation's information infrastructure. In addition to providing funds for the operation and administration of NTIA, this measure appropriates $26 million for new information infrastructure grants, and $24 million for the Public Telecommunication Facilities Program [PTFP]. These funds will be used by NTIA to help put the Nation, and minorities and women in particular, at the on-ramp of the emerging information superhighway. H.R. 2519 will provide funds for demonstrations of new applications of telecommunication technology, as well as planning and construction grants for public television, radio, and nonbroadcast facilities. As the wave of advancing communications technology carries the American people into the future, it is our duty to make certain that minorities, women, and other underserved populations do not miss the boat. Funding for the NTIA is a significant down payment on the future of the American people, and a measure which I strongly support.

This measure will help make certain that our Nation is prepared for the next century so that we can compete effectively in the fast-paced global marketplace. As we prepare to build and upgrade our country's communications infrastructure, and with the blinding pace of change and growing complexity of the telecommunications market, vision and foresight are essential. Let us use our collective vision to pass H.R. 2519, because the future is coming and we must be sure our Nation is prepared for it.

Mr. Speaker, this legislation also includes language that would fund the Securities and Exchange Commission [SEC] for fiscal year 1994.

The SEC is charged with overseeing the Nation's securities markets. For the past 60 years, the SEC has fulfilled this responsibility effectively, preserving the integrity, safety, and fairness of the U.S. securities markets. Although the Commission's activities involve a broad spectrum of securities matters, its ultimate responsibility lies in securing the protection of inventors and in maintaining fair and orderly securities markets, markets which have grown tremendously in complexity and scope in recent years.

But while the securities markets have grown dramatically, and the need for regulatory oversight and sophistication has increased commensurately, SEC resources have not kept pace with those developments. The fiscal year 1994 appropriation will go some distance to meet the SEC's regulatory goals. However, what is needed for the future to ensure the SEC's continued ability to provide effective oversight and enforcement of the Nation's securities markets is a new funding mechanism. Senate passage of H.R. 2239, which the House passed this past July, is critical. This bill contains a full-cost recovery mechanism for funding the SEC's activities. The provision will allow the SEC to match fees to appropriations, and to afford the agency much needed flexibility in meeting the challenges ahead. It provides that the SEC will continue to collect general revenue during fiscal years 1994 through 1998 for the purpose of deficit reduction, in an aggregate amount of $880 million. After that point, all fees would go to SEC activities and would be adjusted accordingly. The SEC should no longer generate huge surpluses that masquerade as user fees but behave like taxes on capital formation. Restoring the proper balance to such user fees, and allowing the SEC to use those fees to recover the costs of its operations, is imperative.

Despite its relative lack of resources, the SEC has excelled at its job. While having to exercise regulatory triage in such areas as its investment adviser inspection program, it nevertheless has continued to serve the public interest efficiently and effectively. In closing, I would like to insert for the benefit of my colleagues the following article from Financial World magazine, in which the performance of several Government agencies was graded. The SEC received the highest grade of the group, an A minus.

SECURITIES AND EXCHANGE COMMISSION

High esprit de corps, top-notch staff, clear-cut goals and a strong historical tradition mixed with a spirit of innovation made the Securities and Exchange Commission one of government's better agencies. A $70 million computer system to automate company filings is progressing after a long period of growing pains. Slow appeals and administrative procedure process are on the mend. The mushrooming field of investment advisers is sorely under-monitored, though legislation is pending that would give the agency more resources.

In a packed basement meeting room in midsummer, Arthur Levitt Jr., the former chairman of the American Stock Exchange and incoming chairman of the SEC, addressed his new staff. "I feel," he told them, "like a parish priest who has been asked to become the Pope."

Elisse Walter, a deputy director in the SEC's corporation finance division, recalls that Levitt's comments left "an electric, emotional feeling in the room. There were people of all levels there, and a sense that we shared what he was feeling and felt a part of it, too. People love this place. It's very special."

Hold on a minute. Are we talking about government here?

Yep.

The Securities and Exchange Commission defies all stereotypes. Members of the securities industry, academics, even attorneys who are suing the SEC speak about it in glowing terms.

There are critics, of course. They say the SEC is self-righteous and self-satisfied, that it was slow to pick up on the stock market scandals of the 1980s, historically neglectful of bond markets and sluggish in response to changes in market conditions and products.

But critics are clearly in the minority. "If we could bottle the culture of the SEC and sell it to other organizations, we'd all be very rich," says Mary Schapiro, senior member of the agency's five-person appointed commission and acting chair for three months prior to Levitt's confirmation.

The SEC has a leg up on other government agencies in several respects.

First of all, it makes a profit, and a substantial one at that. The agency's fee revenues are about 228% of its budget.

The SEC doesn't get to keep the money; it goes to the U.S. Treasury. But the fact that every dollar of funding results in more than a dollar in return has helped to ward off the slashing that has affected other agencies.

Although few other government entities have the opportunity to be self-supporting, government redesigners could still pick up a number of pointers from the SEC's success.

Perhaps the biggest lessen they could come away with is this: The SEC's mission is simple, unambiguous and even popular. Its task is to protect investors' rights by fighting fraud, insuring that investment information is accurately disclosed and making sure the markets run smoothly.

"The focus here is pretty narrow and apolitical," says Thomas Newkirk, associate director of the enforcement division. "It's not like one group is for fraud and another group is against fraud." As another employee puts it, "We're on the side of the angels."

Contrast this with many of the agencies that have been given low grades by FW this year and last. The Department of Energy, the Department of Housing and Urban Development and the Environmental Protection Agency are all made up of a hodgepodge of programs. And while the objectives of other agencies are batted back and forth between political parties and changing Administrations like Ping-Pong balls, the SEC has maintained its reputation "through strong chairmen, weak chairmen, Republicans and Democrats," says Richard Phillips, a partner in the Washington, D.C., office of law firm

Kirkpatrick & Lockhart and an SEC alumnus from the 1960s.

"There's a consistency here," adds Levitt, "that I don't see elsewhere. I didn't see it at Shearson (which Levitt once ran in an earlier form) or the American Stock Exchange."

A high-caliber staff is key. While turnover was perceived as a problem in the 1980s, the recession has cut down on the number of SEC employees ditching the commission for high-paying jobs elsewhere. The annual turnover rate for attorneys and accountants has dropped from a high of 20% in 1984 to 8% today. Still, the SEC's reputation as a training ground for high six-figure Wall Street jobs continues to make the commission a magnet for the best and brightest. For lawyers, there were 20 applications for each vacancy last year.

And while many other federal agencies pay lip service to using quality management, the SEC is a showplace for its techniques—without the benefit of expensive seminars and mushy jargon. Current and former employees paint a picture of an informal environment where meetings include lower-level staff, task forces are employed to solve problems, and a "knock on the wall" sends a signal to a division director that an associate needs him.

"In other agencies you'd try to send out a simple letter and at the bottom line of the routing slip you would see 25 different signatures," says SEC Executive Director James McConnell. "We don't do that. The staff creates a document and it gets to the top real fast."

Adds Deputy Director Walter: "This is a place that rewards creative excellence. It's never afraid to reexamine itself."

That's good, because a little reexamination is needed. The enormous growth and change in equity markets has left the SEC short on oversight in some critical areas.

For example, the number of registered investment advisers grew from 5,000 to 19,000 in the past five years. Despite the need to monitor them, they are relatively immune from scrutiny. At the rate of current schedules, each will be inspected just over three times a century. Legislation is pending that would give the commission more resources to keep tabs on the advisers.

Meanwhile, even though mutual funds have grown into a $2.1 trillion market, "many medium and smaller fund complexes have not been inspected at all during the past four to five years," admits Levitt, who is working hard to divert more resources to this critical area. He is also fervent about the idea of self-funding. If approved by Congress, it would eventually allow the commission to keep and run itself on the fees it generates.

The SEC is moving to confront other significant problems as well. The development of a mammoth computer system enabling companies to file electronically was one rocky area. Dubbed Edgar (Electronic Data Gathering, Analysis and Retrieval), the computer system's development was criticized by the General Accounting Office last year for being two years behind schedule and $19 million over budget. Since then it has gotten on track. By the end of this year, 3,315 companies will be filing electronically, with 15,000 expected to do so by mid-1996.

The commission has sped up considerably its administrative proceedings. Take, for example, the appeals that grow out of decisions of self-regulatory groups such as the National Association of Securities Dealers and the exchanges. The SEC heard only 18 such appeals in 1990. That number more than doubled by last year and is continuing to grow.

Meanwhile, the agency has been fighting to keep its own substantial growth from resulting in a bureaucratic mire. Total staff years—the agency's measure of work load—have increased 30% since 1989.

"In the enforcement division there are twice as many people as there were in the mid-1980s," says Anne Flannery, a partner in the New York City office of Philadelphia-based Morgan, Lewis & Bockius and a former SEC employee. "It takes longer to get things done now. There's a chain of command you have to go through to discuss a case."

Levitt is aware of the challenges he faces. He was on the job barely a month when he began to make significant organizational changes at the commission, reducing regional offices from nine to five and placing responsibility for the regions under one person's command. He has also reorganized international affairs, putting it under one leader instead of two.

Says Levitt: "We need to direct the superb resources of the SEC toward the markets of next month and next year, rather than yesterday."

TRAVELER PROTECTION ACT OF 1993

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1993

Mr. ABERCROMBIE. Mr. Speaker, I rise today with my friends from Minnesota [Mr. OBERSTAR] and Florida [Mr. BACCHUS] to introduce legislation designed to protect the traveling public. Over the past few months we have seen an increasing number of crimes of violence directed at travelers, both domestic and foreign, in the United States. Unfortunately some of the incidents have been so notorious that they have received international attention.

Our Nation is dependent on the travel and tourism industry. Travel and tourism is the 1, 2, and 3 industry in 40 States. Tourism is the Nation's second-largest employer, providing 5.9 million jobs. In the State of Hawaii, for example, the travel and tourism industry accounts for over 30 percent of the State's GDP. We cannot afford to stand by and let these crimes of violence affect the travel patterns of individuals.

As a student of history, I want to point out that when King Kamehameha I united the Hawaiian Islands he decreed the Law of the Splintered Paddle, which affirmed the rights of innocent travelers from wanton attacks by men-at-arms and government officials. The Traveler Protection Act of 1993 is an extension of the Law of the Splintered Paddle. We need to protect the right of innocent people to travel in this country.

This legislation is not meant to be a Federal mandate on States to provide greater protection for travelers than for their own citizens. Instead, as written, the Traveler Protection Act of 1993 would make a person who engages in a crime of violence directed at an individual not domiciled in the State in which the act occurs subject to Federal prosecution. In some instances the resources of the Federal Government must be called upon to facilitate in the trial and prosecution. If an individual is found guilty in a Federal court he or she would be subject to the same criminal penalties as if the act were a State offense. This is how Federal law deals with crimes committed in national parks.

I want to address concerns that this measure may violate the constitutional protection against double jeopardy, or that it would put an undue burden on the Department of Justice. According to the American Law Division of the Congressional Research Service, the Federal Government and various States have numerous laws which punish similar criminal behaviors. There is no legal impediment to States and the Federal Government both bringing criminal charges against an individual for engaging in a particular activity, and in general, the Department of Justice will not duplicate a State prosecution brought and carried out in good faith. I want to assure my colleagues that this bill does not violate the double jeopardy clause.

It is my intention to work with the House Committee on the Judiciary and Federal agencies, namely, the Justice Department, the U.S. Travel and Tourism Agency, and the State Department, to seek their support for this bill. These entities will play a vital role in the success of this legislation. Through the auspices of the Federal agencies we can see to it that witnesses are able to appear and participate in successful prosecutions.

I ask my colleagues to join us and support passage of this worthwhile legislation.

CONGRATULATIONS TO JERREL COOPER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1993

Mr. STARK. Mr. Speaker, today I would like to take a few minutes to recognize Jerrel Cooper's distinguished career of service to the United States—especially to the people and children of Alameda County and the bay area.

For more than 34 distinguished years, Jerrel Cooper has served in public office as a teacher of arts and crafts at the Alameda County Juvenile Court and Community Schools.

He has also served as negotiations chair and chair of the southern Alameda County Teachers Association.

In addition, he is a talented artist. He is a master at jewelry making, sculpture, and painting, and has received numerous awards and recognition for his artwork.

On October 28, Jerrel Cooper's colleagues will hold a retirement celebration to acknowledge him as an outstanding teacher and I wanted to join those who have recognized him for his monumental achievement.

The people of Alameda County will miss this dedicated man who spent his life teaching and helping the disadvantaged of our community.

TRIBUTE TO COACH GIL RECTOR

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1993

Mr. SKELTON. Mr. Speaker, I take this opportunity to recognize a football coach from my hometown of Lexington, MO. Coach Gil Rector is in his 26th season as head coach of the Lexington Minutemen, having led the team to 10 playoff appearances, 8 Missouri Valley Conference titles, and 4 State championships. For this outstanding record and his admirable leadership, he was inducted into the Missouri Football Coaches Association Hall of Fame.

I ask my colleagues to join me in congratulating this exceptional member of the community for his leadership and dedication to the youth of Lexington, MO, and to wish him many more winning seasons with the Minutemen.

GUARANTEEING ACCESS TO DIETARY SUPPLEMENTS

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1993

Mr. COOPER. Mr. Speaker, millions of Americans and thousands of Tennesseans rely on dietary supplements to improve and maintain their health naturally and without medication.

We must preserve their rights to use the health supplements of their choice. Vitamins, minerals, amino acids, and herbs have been shown to provide significant nutritional and health benefits, especially for older Americans. Compared with prescription drugs or surgery, supplements offer a cost-effective, natural alternative based on prevention.

Unfortunately, the U.S. Food and Drug Administration [FDA] has been slow to recognize these benefits. In addition, ambiguity in application of the new Nutrition Labeling and Education Act to dietary supplements threatens to deny access to those benefits.

Today I am cosponsoring H.R. 1709, introduced by my colleague, BILL RICHARDSON, to guarantee all Americans access to the dietary supplements of their choice.

The FDA should not be allowed to remove safe supplements from the market, characterize them as drugs, or require a prescription for them. The Department of Health and Human Services should be vigilant in identifying substances which are a threat to public health, but that does not justify wholesale regulation of all supplements.

While I am cosponsoring H.R. 1709, I must note my concern over a provision which would weaken consumer protections on the health claims made by supplement manufacturers. No manufacturer should be allowed to make unsubstantiated claims to consumers about their products. Consumers should have access to the latest scientific information on the health benefits of supplements and should decide for themselves whether they offer value.

I look forward to working with Mr. RICHARDSON, Chairman JOHN DINGELL, and Chairman HENRY WAXMAN to pass legislation this year which will protect full access to dietary supplements for all Americans.

ST. PAUL'S LUTHERAN CHURCH CELEBRATES 150 YEARS OF HISTORY AND SERVICE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1993

Mr. WOLF. Mr. Speaker, I want to bring to our colleagues attention the 150th anniversary of St. Paul's Lutheran Church, one of the District of Columbia's oldest congregations, and offer congratulations to St. Paul's on this historical occasion.

Anniversary celebrations began this past January and are continuing throughout 1993. A festive service will be held on November 7, the anniversary of the cornerstone laying, and the preceding evening, an anniversary banquet will take place at which our Chaplain of the House of Representatives, the Rev. Dr. James Ford, will speak.

St. Paul's was founded in 1843 out of the conviction that there existed a need for an English-speaking Lutheran church in the Nation's capital. An Episcopalian, Gen. John P. Van Ness, who at one time served as mayor of Washington, donated the site of the original location at 11th and H Streets, NW. Former President John Quincy Adams joined General Van Ness to lay the cornerstone. When the completed church was dedicated in 1848, President and Mrs. Polk and Secretary of State James Buchanan participated.

In 1926, St. Paul's moved to its current location at 4900 Connecticut Avenue, NW., and plans for a monumental Gothic structure were drawn by the architects of the Washington Cathedral. In 1928, St. Paul's gave a triangle of its land to the Federal Government for a park to be maintained by the National Park Service in memory of Peter Muhlenberg, both a Lutheran and an Episcopal pastor, a Revolutionary War hero, and a member of the U.S. Senate and House of Representatives. Mr. Speaker, I call attention to my colleagues that a statue of Peter Muhlenberg represents Pennsylvania in our Capitol's Statuary Hall.

During the past decade St. Paul's has enlarged its mission to the community and city, opening Shalom House, a residence for potentially homeless, mentally ill women; housing the Iona Day Health Care Center for the frail elderly; providing a shelter for homeless men; as well as housing a neighborhood nursery school. St. Paul's also sponsors missionaries world-wide. Worship of God through music has been a vibrant aspect of St. Paul's ministry, drawing hundreds of people to its annual concert series, featuring renowned musicians.

Mr. Speaker, I salute St. Paul's Lutheran Church in Washington, DC, for its distinguished history and its continuing commitment to its ministry and mission.

A PROMOTION OF EXCELLENCE: LA PAZ INTERMEDIATE SCHOOL

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1993

Mr. PACKARD. Mr. Speaker, one way to promote excellence is to recognize it and then applaud it.

The U.S. Department of Education has announced that La Paz Intermediate School of Mission Viejo, CA has been selected by its Secondary School Recognition Program to receive national recognition for excellence to education.

Initially, 488 schools were nominated for national consideration, a great honor in and of itself. Out of this number 260 were selected for site visits by officials from the Department of Education. To have been recommended for a site visit puts a school in very select company. It is a very important comment on the high quality of achievement of the La Paz students, faculty, and the surrounding supportive community.

Based on high student achievement in state reading, writing, mathematics, science, and history scores, the school was invited by the California State Department of Education to compile an extensive report describing the many facets of the La Paz instructional program.

These factors included academic student performance, clear academic and behavioral goals, positive school climate and learning environment, high expectations for students, rewards, and incentives for students and teachers, administrative leadership, opportunities for meaningful student responsibility, and parent/community support.

In the end, 14 other California middle level schools survived this critical assessment and were selected for national recognition. La Paz was one of this honored group.

Needless to say, all concerned are delighted with this national tribute. To strive for excellence and then achieve it is reward enough. To receive special recognition in addition is certainly a very satisfying situation.

Mr. Speaker, I am proud of La Paz intermediate school, its administration, its faculty, its parents, and the surrounding community. Few things are more important to the health, vitality, and ultimate good of a society than strong, ethical educational institutions. It is our youth, after all, who will determine our future as a nation and people.

La Paz intermediate school is playing its role admirably and for this we are grateful.

HONORING REGINALD M. BALLENTYNE III

HON. SAM COPPERSMITH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1993

Mr. COPPERSMITH. Mr. Speaker, someone once said that successful managers do what is right, while leaders do the right thing. For more than 20 years, Reginald M. Ballentyne III

has done both through his leadership of PMH Health Resources, Inc., the parent of Phoenix Memorial Hospital.

From its founding in the 1930's through today, Phoenix Memorial Hospital has kept a steady commitment to serve the local community. When founded, Phoenix Memorial was the only location in Phoenix south of the Salt River that provided health care. To get men to bring their wives and daughters, the hospital showed movies. While the men watched the latest western, the women could receive care.

PMH also graduated the first racially integrated nursing class west of the Mississippi. Eleanor Roosevelt handed diplomas to the seven women—five blacks and two whites—in that year's graduating class.

Twenty years ago, Reg became the third administrator of Phoenix Memorial in its history. He was the youngest hospital administrator in America. Under Reg's leadership, the hospital and its new parent organization has remained an active force in the community. Reg led PMH Health Resources, Inc. in founding the Phoenix Revitalization Corp., intended to improve the supply of affordable housing in the area; in sponsoring the Phoenix birthing project, helping to decrease infant mortality; initiating Arizona's first comprehensive teen pregnancy/well-baby program; establishing Young Company, a national model for intergenerational child development; and developing the Jesse Owens Memorial Medical Center, serving the greater South Phoenix/South Mountain community.

Outside of PMH, Reg also provides leadership to numerous community groups. The highlights include his service as State chairman of the American Academy of Medical Administrators; president of Florence Crittendon Services of Arizona; chairman of the Arizona Affordable Health Care Foundation, and as a member of the American College of Health Care Executives. Most recently, Modern Healthcare named Reg Ballentyne as 1 of 50 Americans who have been and will continue to be instrumental in the development and shaping of an improved health care system for our country for the next century.

Reg's success cannot—and should not—be measured in years or titles. It is measured in lives. Lives saved, lives helped, and lives improved. The lives of children, the lives of young mothers, and the life of a community.

TRIBUTE TO MICHAEL BERRY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1993

Mr. BONIOR. Mr. Speaker, today, October 21, 1993, the Consul General of Lebanon will present Michael Berry the medal known as "The National Order of the Cedar of Lebanon Knight." This medal represents one of the highest honors the country of Lebanon bestows upon civilians.

My friend Mike has distinguished himself in a career that has spanned five decades. Because of his tireless advocacy for the Lebanese and Arab communities in Michigan, and throughout the world, Michael is more than deserving of recognition.

Since graduating from Wayne State University and the Detroit College of Law, Michael Berry has served in numerous public and private capacities. Professionally, he is affiliated with several legal associations and has been admitted to practice in the U.S. Supreme Court. For over 35 years, he has been the senior partner in his firm in Dearborn, MI.

His business accomplishments are many; they are only overshadowed by his commitment to the community through governmental and public service. Mike has lent his expertise to such organizations as the March of Dimes and Children's and St. Jude's Hospitals. In the mosaic that is America, he has helped build bridges in the National Conference of Christians, Jews and Muslims and the American Arabic and Jewish Friends.

Politically, Mike has championed the rights of Arab and Lebanese immigrants. Back in the fifties, before what we have come to know as the civil rights movement, Michael Berry was fighting prejudice and discrimination. A lifetime member of the NAACP, Michael was appointed by former Michigan Gov. Jim Blanchard to serve on the State Committee for Racial and Ethnic Minority Equality. Currently, he is serving on the task force for ethnic and racial discrimination in the courts.

From the Board of the Wayne County Road Commissioners to President Carter's White House Conference on Small Businesses, Michael Berry has served the people of America, all the while remembering the home of his parents. I know that Mike was instrumental in raising millions of dollars for medical supplies which helped the hospitals in Lebanon treat patients. Privately, he has donated personally to assist indigent and orphaned children. He is also extremely active as the current executive board member of the Washington, DC based American Task Force for Lebanon.

Throughout Michael's honored public and private career, he has been truly dedicated to making the world a better place. Tonight's recognition is well deserved and I applaud the Hellenic Cultural Center for hosting the reception. I ask my colleagues to join me in saluting Michael Berry. He is a true friend and serves our community with distinction.

IN RECOGNITION OF NATIONAL BREAST CANCER AWARENESS MONTH

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1993

Mr. MORAN. Mr. Speaker, 2.8 million women in this country have breast cancer; 1 million have yet to be diagnosed. In 1993 alone, 186,000 women will develop breast cancer and 46,000 women—one every 12 minutes—will die of this deadly disease.

Yet, for all of the women tragically lost to this epidemic, we still do not know much about it. Eighty percent of all women diagnosed with breast cancer have no known risk factors. Without more money for breast cancer education, research, diagnosis, and early treatment, we will continue to lose the battle against breast cancer in this country—and it's not one that our country, our communities, or our families can afford to lose.

The epidemic of breast cancer costs our Nation $6 billion in medical costs and an additional $6 billion in lost productivity. The lives of talented women, active contributors to businesses and communities, are needlessly and prematurely ended. The saddest part of all is to see the families that many of these women leave behind forever changed by the loss of a mother, a wife, a daughter, or a sister.

Last year Congress made the first significant increase for breast cancer research and the President's budget continued that increase for the next 5 years, but there is still more to be done.

A comprehensive national strategy to combat breast cancer is needed. A few days ago, the National Breast Cancer Coalition submitted several crates full of petitions to President Clinton—these petitions were signed by over 2.8 million Americans asking that we begin a national strategy to combat breast cancer. We must respond to this call by bringing together the executive branch, this Congress, the scientific community, private industry, and women with breast cancer to design and implement a national plan to eradicate breast cancer.

As we have seen in the past, once our country and our Government is committed to a cause, we can make a difference. If we can put a man on the Moon, we can find a cure for breast cancer.

NAFTA WILL EXPORT AMERICAN JOBS

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1993

Ms. VELÁZQUEZ. Mr. Speaker, I rise before you on a day when NAFTA proponents, are once again attempting to create false images of overwhelming benefit to the United States through an agreement that is nothing more than an incentive for American firms to move their operations to Mexico—leaving thousands jobless here in the United States.

NAFTA-philes claim that the agreement will increase exports to Mexico, I must confess that I agree—the North American Free-Trade Agreement will dramatically increase exports—but it is American jobs that will be exported to Mexico. Those companies that do remain are likely to hold the agreement over the heads of American workers in an effort to drive down hard-earned wages in this country. "Not the case," say NAFTA proponents. However, the Wall Street Journal said that 55 percent of executives of large corporations stated that they would move to Mexico if NAFTA is approved. Where are NAFTA advocates when their greed and deceitfulness is exposed?

But there is a much more important question. How will these same NAFTA advocates justify—to thousands upon thousands of workers throughout this Nation—the loss, of close to a million, of their jobs? What new lies will these individuals come up with, to disguise the fact that NAFTA is merely an agreement crafted for the sake of big business; one that will

reap higher profits for massively wealthy firms, by robbing American workers of their jobs.

Yesterday afternoon majority whip, DAVID BONIOR, organized a press conference at which Members and reporters had the opportunity to view various products that were once manufactured here in the United States—products that are now made in Mexico and represent unemployed American workers. They are a sign of the times to come. If NAFTA is approved, their stories will be duplicated throughout this Nation. The pain and the struggle of their families will become commonplace. I ask NAFTA proponents to justify that. Some have answered with the promise of worker retraining programs, but these have proven inadequate, at best. The General Accounting Office [GAO] recently stated that the Trade Adjustment Assistance Program [TAA] "is inaccessible, and suffers from a lack of oversight and liberal use of waivers." I ask you, if this program has not been able to deal with the jobs that have been lost so far, how can we possibly believe that it will be enough to handle the tremendous dislocation of American workers that NAFTA would certainly bring about? How can NAFTA proponents make a case for an upward shift in jobs in the United States, when the Labor Department has found that "only 1 of 10 recipients of the Trade Adjustment Assistance Program actually found new employment in their chosen field, at a salary of 80 percent of what they used to earn?" How can advocates of this agreement continue to make promises of progress, while they continue to ignore the interests of such a large part of this Nation's population?

And what of our Mexican brothers and sisters? Those hard-working North Americans south of our Nation's border, whose basic employment rights are so conveniently swept under the corporate rug on a daily basis. United States-owned maquiladoras have created a world of subhuman standards for the Mexican worker—one where men and women toil for measly wages of an average $7 a day, while their families live in the environmental nightmare that American firms like Du Pont and Zenith have created. How can we allow this to continue, and how can we possibly support an agreement that would perpetuate this?

Let me conclude by saying that the North American Free-Trade Agreement, as currently proposed will only mean pain—not benefit. We must oppose this NAFTA or both Mexican and American workers will pay dearly.

BELL ATLANTIC-TCI: THE INFORMATION AGE IS COMING ON STRONG

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1993

Mr. OXLEY. Mr. Speaker, I am pleased to enter into the RECORD the following op-ed piece written by our colleague, RICK BOUCHER of Virginia, who has been a true leader and visionary in the field of modern telecommunications. His insightful remarks are evidence that his vision of the multimedia future is consistent with market principles and competition, and I recommend it to all of my colleagues.

[From the Washington Times, Oct. 21, 1993]

BELL ATLANTIC-TCI: THE INFORMATION AGE IS COMING ON STRONG

(By Rick Boucher)

The announcement that Bell Atlantic Corp. will purchase Tele-Communications Inc. is the largest example to date of the convergence that for several years has been occurring in the communications marketplace. The lines that traditionally have separated companies providing telephone, cable television and entertainment services have blurred and within the next few years will vanish altogether. As a result of this convergence, competition will arise in industries that are monopolies today, with consequent benefits for consumers of communications services.

The Bell Atlantic-TCI acquisition is a good case in point. Some argue that the acquisition is too big and, therefore, runs counter to consumer interests. In fact, the arrangement is very pro-consumer.

The acquisition occurs within two industries in which there is no competition today. With very rare exceptions, the cable industry operates as a monopoly nationwide. The same is true for the provision of local telephone service. In neither industry does the consumer currently have a choice of providers. Therefore, the acquisition cannot be said to restrict competition and consumer choices.

Moreover, the merger occurs between two companies that are in very different businesses and that will operate in different parts of the nation. Bell Atlantic offers telephone service, and TCI owns cable systems and cable television programming interests. To the extent that TCI owns cable systems in the area in which Bell Atlantic offers telephone service, the cable systems will be divested prior to the finalization of the acquisition. In view of the fact that there is neither business overlap nor geographic overlap, the argument is even stronger that there will be no hindrance to competition.

Some will say that simply because Bell Atlantic will now have access to approximately 40 percent of all American homes through its telephone network or the TCI cable network, it has the potential to monopolize the delivery of information. That argument is also without merit. In virtually all of those 40 percent of American homes, a second wire owned and controlled by another company provides an avenue for competing services. In the TCI cable region, that second wire is owned and controlled by the incumbent telephone company, and in the Bell Atlantic service territory, the second wire is owned and controlled by the incumbent cable system. Accordingly, the enhanced access that Bell Atlantic will enjoy to American homes will not stifle or monopolize the flow of information.

On the contrary, Bell Atlantic's enhanced access will increase consumer information choices. The company has indicated that as soon as it receives legal permission to do so, it will offer local telephone service over the TCI cable network. Therefore, the merger will provide choices to telephone consumers in TCI's cable territory who have no alternatives to a single telephone provider today.

The acquisition is prologue to the day when all forms of communication are made competitive. The convergence that is now taking place in the communications industry will eventually eradicate all lines separating the various components of that industry, with the result that by the end of this decade there will be a significant number—perhaps as many as 10—communications companies offering multi-media services. They will compete with each other nationwide using the local telephone and cable networks to deliver their services. Those local networks will operate as common-carrier platforms, which by law will assure rights of access on equal terms to all information providers. Other providers of information will employ the wireless spectrum and technologies ranging from cellular systems and personal communications devices to direct broadcast satellites to offer voice, video and data services.

And we can be assured that a significant number of providers will be in the market. While some argue that the ongoing convergence will result in a small number of information providers, the likelihood is that a large number will arise. Under current law, the seven regional Bell operating companies are prohibited from merging. That law should continue to enforce separation among these large telephone companies. To those seven will be added other national, regional and local information providers, resulting in a thriving, highly competitive communications business.

The acquisition by Bell Atlantic of TCI clearly positions the combined company to be a leader in the American information marketplace; however, it will by no means be the only multi-media company. It will be one of many offering services on a competitive basis to consumers who today have only one choice.

There are those who would seek to maintain the status quo and ensure that consumers over time have no greater choices than they currently have. The more enlightened view is to take down the barriers to competition and encourage the creation of a large number of national companies whose entry into the arena will ensure far greater consumer choice.

REAL HEROES HONORED IN NATION'S CAPITAL

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1993

Mrs. LOWEY. Mr. Speaker, this past weekend was a very special time for 50 Americans and their families who were honored in Washington, DC, as Maxwell House Real Heroes.

I would like to share with my colleagues something about the 1993 Maxwell House Real Heroes. They range in age from 11 to 91. They come from 27 States. And all of them are remarkable for the work they do in their communities. At a time when America needs them, these "heroes" are there. They work among the homeless, the poor, and the physically challenged; they are involved in AIDS, health care, the fight against child abuse, and other important social causes.

The Maxwell House Coffee Co. initiated the Real Heroes Awards during its centennial celebration in 1992. The idea was to recognize people whose good works on behalf of their communities would otherwise go unrecognized. One of those "Real Heroes" is Valerie Homan, from my own congressional district in White Plains, NY. She has been an effective and tireless worker against the abuse of children, and has made an important difference in our community.

Our Nation's Capital was chosen as the site of this year's "Heroes" celebratory weekend,

October 16–18, 1993. Washington is filled with monuments to great American heroes—heroes such as George Washington, Thomas Jefferson, Abraham Lincoln, and Martin Luther King, Jr. Heroes who inspire us all. But there's one thing we all know about heroes. They don't have to come out of the history books. Ordinary people do extraordinary things every day. They do them quietly, without fuss, seeking no reward except the pleasure of helping other people. Their example makes all of us strive to be better.

Because of the enormous contribution that all of the Nation's silent heroes make to our society, it is important that we take time to acknowledge their deeds. Following are the stories of the 1993 Maxwell House Real Heroes:

Richard Albero of Ramsey, NJ has raised more than $1 million for charity through softball and basketball games. In Stuart, FL, Keith Begley recently formed a new organization, the Community AIDS Advocate Project, to provide people with AIDS and their families a place to meet and socialize. Despite a disabling bone disease, Virginia Beilstein of Sewickley, PA, tends to the needs of the terminally ill by volunteering at the local Forbes hospice.

Paralyzed by a football injury, Marc Buoniconti, of Coral Gables FL, is national ambassador for the Miami Project To Cure Paralysis, the world's largest scientific center devoted to spinal cord research. Through North Pole Enterprises, Debra Camputaro of Hamden, CN, fulfills Christmas wishes for women and their children in battered women's shelters. Eve Carter of Phoenix, AZ, founded Silver Bullets Equestrian, which provides horseback riding lessons as therapy for the mentally and physically challenged.

In Port Orchard, WA, Dr. N.J. Collins is a chiropractor who annually hosts TASKFISH—Taking a Special Kid Fishing Is Special Happiness—for disabled children and adults. Nick Comande of Racine, WA, climbs mountains for charity, raising money for the Muscular Dystrophy Association and the American Diabetes Association. A one-woman crusade against poverty, Mary Jo Copeland of Minneapolis, MN, formed Sharing and Caring Hands to offer meals and clothing to the city's needy.

Eighty-three-year-old Zorader Currence, of Canton, OH, delivers Meals-On-Wheels to those in need and serve as a member of troubled teens. Gary and Debbie DeShields of Bentonville, AR, bring holiday cheer to hundreds of children in their community through the Sharing and Caring Community Christmas Tree Program. In Hagerstown, MD, Judith Dominguez works to promote self-esteem and pride in families who live in low-income housing. Through Cheer for Children, Pam Edwards of Redondo Beach, CA, brings senior citizens and troubled teenagers together to brighten the lives of seriously ill children. An Oakland, CA, teenager, Keleigh Ento founded the Junior Southern Heirs' Club to teach children African-American history and culture.

Julie Gordon of Green Bay, WI, founded M.U.M.S.—Mothers United for Moral Support—a parent-to-parent network for families of children with special needs. In Phoenix, AZ, teenager Tiffany Griego has motivated her schoolmates to participate in a variety of community activities, including tutoring inner-city elementary schoolchildren, volunteering at a soup kitchen and providing Christmas gifts to the needy. David Haken, 85, of Marshing, ID, handles banking shopping for the community's housebound and organized annual actions to benefit local disaster victims.

Through Parents Against Crack, Delores Hawking of Houston, TX, provides clothing, housing, and work for Houston's drug addicted, homeless population. Denise Hockenberry of Sheffield, OH, established Volunteer Services for Diabetes, which offers financial support for low-income individuals with diabetes. In White Plains, NY, Valerie Homan volunteers hundreds of hours annually to educate law enforcement organizations, civic groups, and religious congregations about child sexual abuse. Challenged by cerebral palsy, Gwen Hubbard is an advocate for civil rights and improved accessibility for persons with disabilities.

Billie Jackson, of Gadsden, AL, has established Caregivers in the Middle to provide support and education for family members who care for the elderly and disabled at home. Pastor Laura Joyner of Rockford, IL, manages Samaritan House, which provides food, clothing, counseling, and emergency financial assistance to the community's needy. Georgia Kopel, of Carmichael, CA, developed "Grams, Gramps, and Me" to bring together senior citizens and elementary schoolchildren. Dalton Langley of Moore, OK, raised funds to build a 35-unit senior citizens' apartment building, and he delivers meals to shut-ins.

Concerned about pregnant substance abusers, Celeste McConnell of Lompoc, CA, founded Holly House Project, a residential treatment facility for these women and their children. Dr. Jack B. McConnell of Hilton Head Island, SC, founded Volunteers in Medicine, a free healthcare clinic for the indigent and medically underserved who live or work on the island. Gary Meistad, of Houston, TX, travels across the country to host cookouts to benefit the needy, including Louisiana victims of Hurricane Andrew.

In Hampton, VA, Charles E. Norman III has been coaching baseball for underprivileged children for more than 13 years, serving as a friend, tutor, and father-figure to his players. Michael Novak of Silverthorne, CO, bicycled more than 2,800 miles to raise funds for his town's not-for-profit recycling center. Devoting her life to working with mentally retarded young adults, Elisabeth Pietzner of Glenmore, PA, founded Camphill Soltane, a working community for young adults with disabilities. Debra Scott, of the Bronx, NY, opened a community center that provides jobs for inner-city youths who teach and entertain the children who attend.

Paralyzed since birth, Bryan J. Slye of Reno, NV, is a wheelchair-bound volunteer emergency medical technician, providing services to people in towns as far as 100 miles from the nearest hospital. At 11 years of age, Lenti Smith of Lebanon, TN, founded Y.O.U.T.H.—Youth Organization Unites To Help—to motivate young people in community service. At 91, Mathilda K. Spak, of Long Beach, CA, devotes each weekday to a different charity—her Fur Luv Program distributes thousands of teddy bears to hospitalized children and adults.

In Kenmore, NY, high school teacher Jerry Starr founded Educators Totally Committed, to raise money for the homeless. With the help of his eighth grade students, Gary Swalley, of Caseyville, IL, formed Project 2001, a program to raise money for environmental issues, and he created a drug education program that has motivated more than 5,000 students to say "no" to drugs. Thirteen-year-old Traci Nicole Taylor of Cape Girardeau, MO, distributes toys, books, and crafts to hospitalized children in her "Toy Train." Janice Throgmorton of West Fork, AR, helped develop Care and Share, a program that assists low-income families by providing food, medicine, eyeglasses, clothing, and household items.

Dick Trayner, of Dayville, CT, founded People Helping People in the U.S.A. to transport donations to victims of disasters, including the San Francisco earthquake, Hurricanes Hugo and Andrew, and the recent Mississippi River flooding. In Pueblo, CO, Fred Tripp developed the city's only private, not-for-profit, community service program, Concerned Parents' Youth Initiative, to give youngsters an alternative to joining gangs. Ronald J. Trompeter of El Cajon, CA, formed a nonprofit organization, Neighborhood Graffiti Removal, to keep El Cajon graffiti-free.

Carol and George VanKuren have opened their hearts and their home to 186 foster children, accepting any child who needs a home, at any time. In Corpus Christi, TX, Donna Watkins helped establish a local chapter of the nationwide organization, Parents of Murdered Children, to support families who have lost a child to violent crime. Marlin "Moon" Weston, a native American from Porcupine, SD, started the Quad Squad to support the physically challenged on the Pine Ridge Reservation, and he also conducts antidrug programs for reservation youth.

In Emerald Isle, NC, Nancy Williamson created the State's Mile of Hope Program, which enables cancer patients and their families to enjoy a weekend at the beach, free of charge. Jay Michael Wilson of Baltimore, MD, feeds Thanksgiving dinner to more than 30,000 needy people in his community each year through the Bea Gaddy Thanks for Giving campaign. Through his retail store and construction business, John H. Wilson of San Bernardino, CA, provides jobs for the homeless. Ruth Wynne of Oklahoma City, OK, opened her home to young people with drug-related or emotional problems and distributes food baskets, clothing, and other necessities to more than 30,000 people a year. Rae Zuckerman of Brockton, MA, founded L.I.F.E.—Living Independently for Equality—a center for the community's disabled adults to socialize and garner emotional support.

Indeed, Mr. Speaker, these Americans are real heroes and contribute much to our country. They deserve to be applauded and supported in all of their efforts by our Government.