HOUSE OF REPRESENTATIVES—*Monday, November 23, 1993*

The House met at 12 noon.

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

At all the moments that span our days during all the times of opportunity and disappointment, whenever we wonder or worry, our hearts are grateful, O loving God, that Your spirit is ever with us. May each person, whatever the task or duty, be worthy of the high calling to which we have been called, to do justice, to love mercy, and to walk humbly with You.

Now may the Lord bless us and keep us.
The Lord make His face shine on us and be gracious to us.
The Lord look upon us with favor and give us peace. 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 Pennsylvania [Mr. WALKER] lead the House in the Pledge of Allegiance?

Mr. WALKER 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.

AUBURN UNIVERSITY IS PEOPLE'S POLL CHAMPION

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

Mr. BROWDER. Mr. Speaker, pretty soon the coaches poll and sportswriters poll will declare their choices for America's 1993 national champion in college football. This is the people's House, so today, on behalf of the people's poll, I am declaring Auburn University, which has completed its season with an unbeaten, untied 11 and 0 record, America's 1993 national champion. Warrrrrr Eagle.

APPOINTMENT OF COMMITTEE OF TWO MEMBERS TO INFORM THE PRESIDENT THAT THE HOUSE HAS COMPLETED ITS BUSINESS OF THE SESSION

Mr. GEPHARDT. Mr. Speaker, I offer a privileged resolution (H. Res. 324) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 324

Resolved, That a committee of two Members of the House be appointed to wait upon the President of the United States and inform him that the House of Representatives has completed its business of the session and is ready to adjourn, unless the President has some other communication to make to them.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints as Members of the House to the committee to notify the President, the gentleman from Missouri [Mr. GEPHARDT] and the gentleman from Illinois [Mr. MICHEL].

RE-REFERRAL OF H.R. 3600, THE HEALTH SECURITY ACT, TO COMMITTEE ON EDUCATION AND LABOR

The SPEAKER. Without objection, the bill, H.R. 3600, the Health Security Act, is re-referred to include among the titles referred to the Committee on Education and Labor part 1 of subtitle C of title V.

There was no objection.

LAYING ON THE TABLE HOUSE RESOLUTION 317 AND HOUSE RESOLUTION 321

The SPEAKER. Without objection, House Resolution 317 and House Resolution 321 are laid on the table.

There was no objection.

NEED FOR REAUTHORIZATION OF NEW YORK STATE'S CHILD ASSISTANCE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY], is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, I rise to bring to my colleagues' attention the urgent need to extend the authorization of New York State's historic welfare reform demonstration known as the Child Assistance Program [CAP]. The House approved a reauthorization of CAP as part of the OBRA 93 bill, but the measure was deleted by the other body on procedural grounds.

In the Omnibus Budget Reconciliation Act of 1987, Congress authorized CAP to enable New York State to test groundbreaking strategies in the area of welfare reform. Since that time, the New York Department of Social Services has conducted a highly successful and nationally significant demonstration project in seven New York counties, testing strategies for encouraging work and self-sufficiency among welfare recipients.

Earlier this month, Gov. Mario Cuomo released the results of a 2-year independent assessment of CAP that reported impressive successes in increasing the average earnings and work hours of CAP participants. CAP also succeeded in significantly increasing the rate of participants who obtained child support orders. All this was achieved while the average amount of cash assistance to CAP participants declined.

These results indicate that there are real and effective alternatives to the present welfare system, and that government can supplement rather than supplant the efforts of single parents trying to improve their children's lives.

Early in the next session I plan to introduce welfare reform legislation which draws on some of the lessons of CAP. However, in order for this program to continue to provide important information about welfare reform, it is essential that Congress move to reauthorize this demonstration effort before it expires at the end of March 1994.

Mr. Speaker, I submit for the RECORD the executive summary of the 2-year assessment of CAP.

EXECUTIVE SUMMARY

The New York State Child Assistance Program (CAP) is a demonstration program operating in seven New York counties. The program was conceived and developed by the New York State Department of Social Services (SDSS), and approved by the U.S. Departments of Agriculture and Health and Human Services under provisions of Section 9122 of the Omnibus Budget Reconciliation Act of 1987, Section 1115 of the Social Security Act, and Section 17(b)(1) of the Food Stamp Act.

CAP was designed as an alternative to the Aid to Families with Dependent Children program (AFDC), the nation's primary public assistance program for poor families with children. CAP intends to promote both the immediate and long-term prospects of children in AFDC single-parent families while requiring that their parents—both custodial and noncustodial—take responsibility for supporting their children to the best of their ability. CAP offers single-parent AFDC families a unique financial aid and social service package that includes: incentives for parents to work and assist with child support enforcement efforts; individualized case management services; less burdensome administrative requirements; and financial assistance supplementing parental contributions.

CAP's incentives and services are intended to alter the behaviors and circumstances of

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AFDC recipients. If the program is successful, it will: Motivate and help clients to increase their earnings; motivate and help clients to obtain complete child support orders; allow clients to raise their income above the poverty level even before becoming independent of assistance; and allow clients to attain enough income from earnings and child support and accumulate enough resources to move into sustained self-sufficiency.

Based on two years of clients' exposure to CAP, the evaluation finds that CAP had significant positive impacts on clients' earnings, support orders, and total income. CAP had no positive or negative impact on clients' receipt of public assistance during the first two years, and the program's long-term effect on self-sufficiency cannot yet be determined. CAP generated clear net financial benefits to clients over the two years at no cost to the government; in fact, net government expenditures declined slightly.

The following pages summarize the rationale, design, and results of the CAP demonstration. The full report presents more detail and discussion on all of these points.

CAP RATIONALE: AFDC HAS BEEN LARGELY INEFFECTIVE IN HELPING SINGLE-PARENT FAMILIES EXIT FROM POVERTY

Much of the basic rationale and program concept for CAP stems from an investigation of the relationship between poverty and economic dependence conducted by the New York State Task Force on Poverty and Welfare. One of the Task Force's findings was that poverty is heavily concentrated in children, particularly children in single-parent households. A second major finding was that the Aid to Families with Dependent Children program (AFDC), which was originally established to provide temporary income support for single mothers with children, has been largely ineffective in helping single-parent families become self-supporting or exit from poverty.

The Task Force found several features of AFDC to limit its effectiveness as an antipoverty program. First, combined AFDC and food stamp benefits do not normally raise a family above the poverty line. Second, AFDC regulations provide no meaningful incentives for earnings. Third, because the labor market for entry-level or part-time workers with minimal skills typically offers low wages, job instability, and limited or no employee benefits, single parents with children may be financially better off receiving AFDC than working.

In the view of the Task Force, the problems of the AFDC program are compounded by a trend in the administration of welfare programs which has increasingly separated eligibility determination from social service. AFDC line staff are generally responsible for determining the eligibility and benefits of recipients, rather than providing the supportive services, job search assistance, and skills training which could promote economic independence.

CAP WAS DESIGNED TO OVERCOME THE OBSTACLES TO SELF-SUFFICIENCY SEEN IN THE AFDC SYSTEM

CAP is a voluntary program. Only single-parent families that are currently receiving AFDC may enroll. To qualify for CAP, the AFDC case must include a custodial parent and at least one child of an absent parent.

To motivate clients to increase their work hours and earnings, CAP offers a dramatically different treatment of earnings than AFDC. AFDC benefits are reduced by nearly a dollar for each dollar of earnings, once the client has worked more than four months. CAP benefits are reduced by only 10 cents for each dollar of earnings below the poverty level, and by 67 cents per dollar when their income surpasses the poverty line. CAP families may achieve incomes as high as 150 percent of the poverty level before losing program eligibility.

Grant levels are based on the number of children in the family who are members of the AFDC case and are covered by a court-issued order of child support. Children who are not eligible for CAP cannot receive AFDC while the family participates in CAP. The custodial parent therefore has a direct financial incentive to try to establish orders for every child in the family. CAP participants receive program assistance in obtaining child support orders and upgrading their current support orders.

Employment is not a prerequisite to participation in CAP, but the CAP grant will exceed the AFDC grant only when the family has substantial earnings. If all of the children in the family are covered by support orders, and therefore can be included in the CAP grant, monthly earnings of about $350 are needed for CAP to be financially advantageous. If one or more children in the AFDC case are not covered by support orders CAP may still be advantageous but at a higher level of earnings.

To further assist participants' efforts to become self-supporting, CAP eliminates the AFDC resource rule that prohibits clients from accumulating more than $1,000 in assets (including any equity value of a car exceeding $1,500). To encourage self-reliance and remove stigma, CAP provides food stamp benefits by check (commonly referred to as cashout) rather than coupons. CAP also eliminates the restricted shelter and energy vendor payment system commonly used in AFDC in New York State, so that CAP participants must be more actively involved in managing their own household budgets.

Finally, CAP features intensive case management. CAP workers are expected to handle caseloads of about 50 cases, on average, compared to caseloads several times as high for AFDC caseworkers. CAP case managers provide advice and assistance to help clients qualify for CAP and move toward self-sufficiency.

THE CAP DEMONSTRATION IS AUTHORIZED TO OPERATE IN SEVEN COUNTIES THROUGH MARCH 1994

The Child Assistance Program is authorized to run in seven local Department of Social Service districts from October 1988, through March 1994.[1] A mixed evaluation design includes non-experimental sites, to study CAP operations under normal operating conditions, as well as experimental sites that rigorously test the program for its impacts on participants.

In four counties—Albany, Allegany, Chautauqua and Ulster—enrollment is open to all eligible single-parent AFDC families, and for this reason they are referred to as saturation counties. The three remaining counties—Monroe, Niagara, and Suffolk—are participating in an experiment designed to measure CAP's effects on participations, and its costs and benefits. In these experimental counties, AFDC cases were randomly assigned to treatment and control groups. Members of the treatment group were informed of CAP, and invited to participate if they met the program's eligibility requirements. Control group members were not permitted to enroll in CAP for the duration of the demonstration.

THE IMPACT EVALUATION FOCUSES ON THE THREE EXPERIMENTAL COUNTIES, IN WHICH AFDC RECIPIENTS WERE RANDOMLY ASSIGNED TO TREATMENT AND CONTROL GROUPS AND CLOSELY TRACKED

The SDSS has contracted with Abt Associates, a research firm based in Cambridge, Massachusetts, to conduct the evaluation of the demonstration. The evaluation comprises four major studies: an impact study, a cost-benefit study, an implementation/process study, and a food stamp cashout study. This report presents the findings of the impact and cost-benefit studies. It is based on data covering the first two years of recipients' exposure to CAP.

One cannot determine whether CAP has its desired effects simply by measuring outcomes for CAP participant. Client outcomes under CAP must be compared to the outcomes that would have occurred in the absence of CAP. The most scientifically accepted way to make this comparison is to assign clients randomly to treatment and control groups and to compare the two groups' outcomes. This is the procedure used for the CAP evaluation. All members of the treatment group were offered the opportunity to enroll in CAP at any time they qualified and wishes to participate. Members of the control group had no such opportunity.

CAP impacts are measured by comparing the full treatment group with the full control group, including clients participating in CAP (in the treatment group only), those participating in AFDC, and those no longer receiving any form of assistance. We cannot measure separately the impact on those people who participate in CAP. In effect, the treatment-control comparison averages CAP's impact on participants with its (presumably much smaller) impact on non-participants (weighting the two impacts according to the number of participants and non-participants.

The three experimental counties (Monroe, Niagara, and Suffolk) had a combined total of about 18,000 AFDC cases that would be potentially eligible for CAP—that is, cases consisting of a custodial parent and one or more children of an absent parent. From these, the SDSS randomly selected about 4,300 cases, assigning half to the treatment group and half to the control group. The selected clients were approximately equally divided among four key subgroups: Those who already had some earnings and at least one support order when they were selected; those who had earnings but no support orders; those with at least one support order but no earnings; and those who had neither earnings nor support orders.

Three kinds of data were collected for each case. As the selected cases entered the demonstration, caseworkers administered a Background Information Form to record characteristics of the clients and their households. For each month thereafter, SDSS automated files provided information on assistance benefits and child support status. Finally, in follow-up surveys conducted one year and two years after selection, clients reported on their employment and earnings for the previous twelve months.

The two-year study period does not allow us to observe all of CAP's impacts. At any point after the demonstration's first few months, we would expect to find the treatment group clients divided into three types: those who have not yet enrolled (including those who will never enroll); those currently

[1] At this writing, the possibility of extending this authorization for another five years is under discussion.

participating in CAP; and those who have completed a spell of CAP participation and either left welfare or returned to AFDC. Relatively few people completed the full cycle of CAP enrollment and participation with the two years. Thus the findings mainly reflect the experiences of clients who have not yet enrolled in CAP or who are currently participating.

THE DEMONSTRATION POPULATION IS REASONABLY REPRESENTATIVE OF THE SINGLE-PARENT AFDC CASELOAD IN THE NATION

Virtually all of the AFDC recipients in the experimental sample are women. Most have one or two children, and half have at least one child less than three years old. Half of the clients had received AFDC continuously for two years or more when they entered the sample, and almost all were receiving food stamps as well as AFDC. Just over half had graduated from high school. About 40 percent are white, about the same number are black, and most of the remainder are Hispanic.

Very few clients (less than 3 percent) entered the experiment with enough earnings and child support orders for CAP to be immediately advantageous over AFDC. Although most had some work experience, only one in ten was employed in the month they entered the sample, and just one in twenty earned $350 or more that month. Half had at least one support order, but a third had orders for all of their children. Most of those without orders were never married to the absent parent, most had no contact with the absent parent, and most had an absent parent who lived out of state or whose location was unknown.

The three counties' caseloads differed in some potentially important ways. Monroe's clients appeared to face the greatest obstacles to participation in CAP. They had the youngest children and were the least likely to have ever married, obtained any support orders, finished high school, or ever worked for pay. Niagara's clients, in contrast, seemed the most likely to meet CAP's entry criteria. Niagara had the highest proportion who were employed as they entered the study and the highest proportion who had ever married, obtained support orders, or graduated from high school. Suffolk's caseload was more comparable to Monroe's than Niagara's

To the extent that comparable figures are available, the profile of the experimental sample appears quite similar to that of the national AFDC caseload. The sample also resembles in most respects the caseload in upstate New York (i.e., excluding New York City). The exceptions include higher percentages in the experimental sample of black and Hispanic clients, never-married clients, and clients with a child under age three, than in New York's upstate AFDC population as a whole. These differences reflect the generally urban nature of the experimental counties, while much of upstate New York is more rural.

TEN PERCENT OF TREATMENT GROUP MEMBERS PARTICIPATED IN CAP, ALTHOUGH MORE WOULD BE EXPECTED IN A NON-EXPERIMENTAL PROGRAM

CAP participation not only is voluntary, but requires most clients to take substantial steps to obtain earnings or child support order before they enroll. Thus it is to be expected that many AFDC recipients would never enroll in CAP. The 10 percent enrollment rate observed in the experimental counties is almost certainly lower than it would be in a non-experimental program, however, because the research design constrained CAP recruitment efforts.

Although CAP participants were limited in number, their characteristics were diverse. The need to obtain earnings and support orders did not exclude any major segments of the AFDC population (apart from those excluded by definition, such as two-parent families). Clients whose situation might make it difficult to obtain complete support orders, such as having an out-of-state absent parent, did have lower than average participation rates.

Clients who had some earnings and at least one support order when they entered the experiment were, not surprisingly, the quickest to enroll and had by far the highest participation rate. Only about 6 percent of clients already had earnings and orders, however, so they did not dominate the enrollee group. The majority of CAP enrollees (55 percent) had at least one child support order but no earnings when they entered the experiment.

LOCAL IMPLEMENTATION WAS CRITICAL TO CAP PARTICIPATION

Only 4 percent of the treatment group enrolled in CAP in Suffolk County, while the Monroe and Niagara had enrollments of 12 and 16 percent, respectively. Moreover, nearly half of the enrollees in Suffolk were clients who already had some earnings and support orders when they entered the experiment.

Effective recruitment is usually critical in voluntary programs. One might have expected it to be less important CAP, a program that offers immediate, automatic, and clearly defined financial benefits. However, CAP participation clearly depended heavily on CAP workers convincing clients that it was worth responding to the program's incentives. In Monroe and Niagara, CAP had a clear priority in the county Department of Social Services, workers implemented systematic and relatively intensive follow-up contacts with prospective clients, and the program was effectively presented to clients as being an attractive alternative to AFDC. These factor proved very important in motivating clients to take steps to qualify for CAP.

CAP RAISED CLIENTS' AVERAGE TOTAL EARNINGS FOR THE TWO YEARS BY 27 PERCENT

Members of the control group had average monthly earnings of $133 over the two years, with the average climbing throughout the period. More people worked in the treatment group and they worked more hours, on average. Thus treatment group members earned $37 more per month, on average, an increase of 27 percent.

CAP's impact grew over time, from 21 percent in the first in the year to 30 percent in the second. The gap between the treatment and control narrowed somewhat and seemed to level off toward the end of the period, but the future course of CAP impacts cannot be determined.

CAP had its greatest impact in Monroe, raising the two-year average income by 53 percent. Apparently because Niagara already offered an extensive array of employment and training services to AFDC recipients, average earnings in the control group almost kept pace with treatment group earnings. No significant impact was seen in Suffolk, probably reflecting the low CAP participation rate and the high proportion of CAP enrollees who already had earnings when the experiment began.

CAP did not induce people to sacrifice job quality in a quest for immediate earnings. On average, treatment group member's jobs provided equal or higher wages and health benefits than control group jobs. There is evidence, however, that some treatment group members were forgoing education and training activities, presumably to seek earnings quickly.

CAP LED TO 25 PERCENT INCREASE IN THE CHANCE THAT A FAMILY WOULD OBTAIN SUPPORT ORDERS FOR ALL CHILDREN WHO LACKED THEM

When they entered the experiment, nearly two-thirds of all clients had at least one child not covered by a support order. Control group members got new orders at a steady but quite slow pace. On average over the two years, 14 percent of the control members who initially had a gap in orders had filled the gap.

Treatment group members filled in their missing orders in greater numbers and at a faster pace. Over the two years, the proportion of families that had gained complete orders averaged about four percentage points higher than the proportion in the control group—a 25 percent improvement. Some of this increase appears to represent additional orders, orders that the custodial parent would not have sought in the absence of CAP. Some of the increase probably stems from client and CAP worker pressure to speed up orders that the clients would have obtained ultimately even without CAP.

The CAP effect was very large in Monroe (55 percent), but not statistically significant in either Niagara or Suffolk. The Monroe CAP hired a former Child Support Enforcement program worker, who worked aggressively with prospective participants to pursue orders that would help them qualify for CAP. In Niagara, where nearly twice as many clients started out with complete support orders, obtaining new orders had a somewhat lower priority. Suffolk's generally less effective implementation again led to no significant impact.

THE INCREASE IN SUPPORT ORDERS DID NOT LEAD TO A STATISTICALLY SIGNIFICANT INCREASE IN SUPPORT PAYMENTS DURING THE STUDY PERIOD

There is some evidence that the impact on orders can translate into increased child support income: statistically significant impacts on support payments were found in both Monroe and Niagara for clients who began the experiment with some earnings and at least one support order. Average support payments for the full treatment group were not significantly different from the average for the control group.

It seems likely that some of the "extra" support orders generated by CAP would not otherwise have been pursued because they would call for relatively low payments. These orders have potential future value if, for example, the absent parent's income rises and the award amount is adjusted upwards. This process did not generate statistically significant gains during the study period, however.

CAP CAUSED NO SIGNIFICANT INCREASE OR DECREASE IN THE AMOUNT PAID IN ASSISTANCE BENEFITS DURING THE TWO YEARS

Average assistance payments declined over the two years as clients slowly left AFDC and CAP. The decline for treatment group members followed almost exactly the same path as that for the control group, producing no statistically significant difference in average payments for the population as a whole.

The absence of an increase in assistance payments is somewhat surprising, because

some planners assumed that CAP's more favorable treatment of earnings would lead to higher expenditures. Apparently CAP induced enough increases in earnings to counterbalance this aspect of the benefit formula.

When various assistance programs are considered singly, no significant differences are found for cash assistance (CAP, AFDC, and Home Relief), for Medicaid eligibility, for Emergency Assistance, or for Services.[2] CAP reduced average monthly food stamp benefits by $4 or 3 percent over the two years, because average earnings increased while cash assistance payments remained level. When benefit payments for these programs[3] are combined, CAP showed no significant effect on average payments.

CAP INCREASED TOTAL TWO-YEAR FAMILY INCOME BY 4 PERCENT AND SIGNIFICANTLY INCREASED A FAMILY'S CHANCE OF HAVING AN ABOVE-POVERTY INCOME

Total monthly discretionary income in the control group averaged $977 over the two years. This includes the client's earnings, other family members' earnings, cash assistance benefits, food stamps, child support payments, and income from other government sources (such as Social Security). Because the treatment group had higher average earnings, total monthly income for treatment group families averaged $41 or 4 percent higher than the control group average, a statistically significant difference.

The positive effect was concentrated in Monroe and Niagara counties. In Suffolk, where CAP participation was low and CAP did not affect earnings or child support orders, total income was likewise unaffected.

In addition to raising average incomes, CAP helped some families achieve incomes substantially above the poverty level. Families in the treatment group were 18 percent more likely than those in the control group to have incomes exceeding 125 percent of the poverty line.

THE NET RESULT OF ALL CAP'S COSTS AND BENEFITS WAS AN AVERAGE CLIENT INCOME GAIN OF $36 PER MONTH AND AN AVERAGE GOVERNMENT SAVINGS OF $2 PER MONTH FOR EACH FAMILY IN THE TREATMENT GROUP

CAP's principal effect on families' economic circumstances was to bring about a $37 increase in the average monthly earnings of clients in the treatment group. A series of small impacts on assistance benefits and other sources of income essentially cancelled each other out, leaving a net gain of $36 per family per month.

CAP's net effect on government expenditures was very close to no effect at all. The largest single impact was an increase in administrative costs amounting to about $7 per month for each family in the treatment group. This was offset by small reductions in cash assistance and food stamp payments and a small increase in child support collections for cases on assistance. The net result was a reduction in total government expenditures of about $2 per family per month.

The net cost-benefit result differed across the three counties. Clients' income gains were larger than the overall average in Monroe and Niagara but near zero in Suffolk. Government costs were reduced by several dollars in Monroe and Suffolk, but increased in Niagara. In Niagara, where much of the gain in client income stemmed from higher assistance payments, the clients' income gain was still larger than the government's extra cost.

CAP'S POSITIVE IMPACTS FOR CLIENTS AND THE GOVERNMENT ARGUE FOR SERIOUS CONSIDERATION OF THIS APPROACH TO WELFARE REFORM

CAP's impacts compare favorably in many respects with the impacts that have been documented for other welfare reform approaches. In particular, the gain in client earnings with CAP equals or surpasses the gains documented with employment and training programs, the most widely tested approach of the past decade. Because CAP's goal is to boost client incomes before they leave public assistance as well as afterward, CAP did not generate reductions in assistance payments as quickly as most employment and training demonstrations. Yet because its administrative costs were relatively low, CAP apparently paid for itself more quickly, while providing clients with more immediate income gains.

Such findings do not suggest that CAP is a "silver bullet" solution to the welfare dilemma; however, they indicate that CAP offers meaningful improvements relative to the current system, and that elements of this approach may merit more widespread consideration in forming welfare policy.

[2] This refers to a set of five social service programs available to welfare recipients: Child Protective Services, Adult Protective Services, Adoption Services, Title XX Child Care, and Domestic Violence.

[3] Medicaid and Services payments are not included because they reflect events that are highly variable from case to case and month to month. CAP had no impact on the percentage of months in which clients were eligible for Medicaid or the percentage of months in which they received Services.

WAR CRIMES AND GENOCIDE IN THE FORMER YUGOSLAVIA

The SPEAKER. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 60 minutes.

Mr. HOYER. I rise today to discuss the prospects for bringing to justice those who have planned, perpetuated, and taken part in war crimes, crimes against humanity, and even genocide in the former Yugoslavia.

As my colleagues here know, for more than a year and a half I have been calling for the establishment of an international tribunal empowered to bring individual wrongdoers to justice.

Many in this body have called for the same. If we are in a new world order, it will be a world in which international crimes are not committed without justice being applied.

Last week, we were brought one step closer to this goal. Eleven judges were sworn in, who pledged to impose legal sanctions on those who have shocked the conscience of humanity with the atrocities they have committed in this conflict in the former Yugoslavia.

Mr. Speaker, if in the 1930's, when genocide began, we had had the oversight of the international community and the commitment to call to account those who would treat their fellow human beings so savagely, perhaps, just perhaps, millions of lives might have been saved.

Mr. Speaker, I realize, of course, that the obstacles this tribunal faces are daunting. So daunting, in fact, that its inaugural meeting has been met with doubt in many quarters as to whether it will be able to meet the goals set for it in its statute. In fact, I must confess that I share some of those concerns.

The tremendous delays experienced during the election of judges and the appointment of the chief prosecutor are indicative of the barriers erected by those at the U.N.—both within the U.N. bureaucracy and among the U.N. member states—who did not want this tribunal established at all and, frankly, I think do not want it to succeed now.

Although the Security Council had pledged to reflect the diversity of "the world's legal systems" in the election of judges, the final panel confirmed by the General Assembly includes only two women and, inexplicably, not one single Moslem. Efforts to select a chief prosecutor were equally disheartening: The Security Council deadlocked twice before it could reach agreement on a third nominee, reflecting the lack of a common sense of purpose in that body. Even today, the tribunal still has insufficient resources, insufficient staffing, and insufficient support from the members of the Security Council itself.

In spite of all this, I am not and I hope others are not—prepared to say that this tribunal cannot succeed, because I believe that many of the problems it faces can be addressed, in part if not totally. The United States must continue to lead the way, both in terms of the information we make available to the tribunal as we have to the Commission of Experts and in terms of financial resources, material, and expert staffing. In this regard, I know of no other country that has provided as much support for this effort as has the United States.

But even we can do more. The United States should undertake an interagency review of its classified materials in order to determine if critical information on war crimes has been unnecessarily withheld.

We know for a fact that this had occurred in the post-World War II history of this country.

This information should be made publicly available to the United Nations, as have previous reports on war crimes prepared by the United States. In addition, the United States should seek to make available to the court and to the chief prosecutor experts of the highest caliber, drawing not only from within its own ranks, but from the nongovernmental community as well.

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In this way, the United States can set a positive example for other countries whose proclaimed support for prosecuting war crimes has not yet been translated into positive deeds.

But perhaps the most consequential undertaking that awaits the United States and the other Members of the Security Council is the adoption of provisions for the apprehension of alleged war criminals. Cooperation with the tribunal, established under chapter VII of the U.N. Charter, is required by all countries; but we know from experience that not all countries will, in fact, cooperate.

It is imperative, therefore, that consideration be given today—not next week or next month or year—for the establishment of a specific regime to which recourse can be made by the Security Council to implement the warrants for arrest, detention, surrender, or transfer of persons sought for trial by this tribunal. No country must be permitted to become a safe haven for those indicted for war crimes.

Let it be true of international law that those who harbor, protect, and further the criminal enterprise of those who commit genocide against the peoples of this world, let them, too, be branded equally guilty of such heinous crimes.

An undertaking of this scope is unprecedented, of course, and will require innovative approaches to be successful. Indeed, innovative approaches will be essential if a new world order is to be realized. It is conceivable that the Conference on Security and Cooperation in Europe could play a significant role in this process, possibly contributing to the formulation of such a regime or its ultimate implementation.

Some have suggested that this kind of planning will, in the end, be unnecessary. They imply that the perpetrators of these crimes have not left a documentary paper trail that would enable any court to convict them. Of course, few murderers do. I do not believe, however, that without a written confession we can never bring people to justice. In many of the cases arising from this war, I believe there will be ample evidence to issue indictments and arrest warrants; and in many of those cases, I believe convictions can and will be sustained.

For starters, we have the graves of thousands of noncombatants—civilians, neighbors like ours, children like ours, mothers like ours, fathers like ours, sisters like ours, brothers like ours—who were purposely, willfully, and criminally killed in the war in the former Yugoslavia.

The U.N. Commission of Experts, working with Physicians for Human Rights, has been engaged in the arduous process of gathering forensic evidence on graves such as these, evidence that may ultimately link silenced victims with their living killers.

We also, of course, Mr. Speaker, have survivors, eyewitnesses, and a significant body of intelligence about what troops were where, and when—placing the suspects, if you will, at the scene of the crime.

In particular, Mr. Speaker, I believe the chief prosecutor of the tribunal can and should immediately launch investigations into those figures about whom the most information has already been gathered.

Mr. Speaker, anonymity for war criminals is an important aspect for their success.

I would like to name briefly here some of those figures, whose role in this war has been documented by Helsinki Watch reports, by the New York Times and other newspapers, by the recent book of Pulitzer Prize winning Newsday correspondent, Roy Gutman, entitled "A Witness to Genocide."

Let me say parenthetically, Mr. Speaker, that in today's world we have all been witnesses to genocide. There is no excuse to say, "If we had only known, if we had only seen, if we had only heard of the deaths of children, the starving of peoples, the commission of crimes."

Finally, documentation comes from an April 1993 video report entitled "A Town Called Kozarac" produced for the British television program, Dispatches. The following people, Mr. Speaker, are among the most notorious.

Zeljko Raznjatovic, also known as Arkan, stands here, He is well-dressed, has a fancy uniform, a shaven face, a close haircut. Perhaps he is someone who we would otherwise think is just another person. He has already been branded an international criminal, He robbed banks in Belgium and the Netherlands for which he was imprisoned, and committed several burglaries in Sweden and Germany.

In early 1992, his group was responsible for a major massacre of moslems in the town of Bijeljina and elsewhere in Bosnia and Herzegovina. Arkan is a perpetrator of war crimes, a person who has furthered genocide in the best tradition of Adolph Hitler.

Vojislav Seselj is head of the fascist Serbian Radical Party and its paramilitary wing, known as the Serbian Chetnik Movement. His people have operated throughout Bosnia and Herzegovina during the course of the war, committing atrocities, not against military personnel, but against the civilian population. Seselj is a war criminal in the best tradition of Adolph Hitler.

Mladjo Krkan is an Omarska camp guard—like other guards at other prison camps about whom we have talked. He was known to be particularly brutal and is implicated in the murder of two prisoners.

But one thing we always know when it comes to war crimes is that unfortunately most are secret, done out of the light of witnesses or other observers.

Surviving prisoners in one British documentary said that most of the atrocities at the Omarska camp occurred during Krkan's shift. Krkan is a war criminal in the best tradition of Adolph Hitler.

Gen. Ratko Mladic is the head of the Bosnian Serb military. According to the New York Times, he is often called the ethnic cleanser in chief. "Ethnic cleansing," what an interesting phrase. Cleansing is a word that most of us feel makes things better. But what it has meant here is the genocide of a people, the expelling of a people, through death and injury, from the homelands in which they and their ancestors had lived for centuries.

Why? Because of their ethnicity, because they were a different kind of people and because an invading force wanted to sanitize a geographic region for their own people.

□ 1220

Before moving to the Bosnian front, Mladic was commander of the Yugoslav army in the Serb-controlled region of Krajina in Croatia, where he earned the additional title of "Butcher of Knin." The troops under his control are responsible for many of the atrocities we hear about in Bosnia and Herzegovina, and, as I said, that we witness on CNN, on NBC, on CBS, on ABC, on BBC and other countless television programs, brought into our very homes, brought to this Nation and nations around the world.

Radovan Karadzic is the Bosnian Serb political leader. He is cold, calculating and, at best, amoral, savaging others through puppets for political ends. He is a familiar face from his presence at the negotiations in Geneva. Trained as a psychiatrist, he is perhaps the person most responsible for ordering the atrocities that have been committed in Bosnia and Herzegovina. Karadzic is from the Serb population of Bosnia and Herzegovina, but he is the agent, clearly, of the next person: Slobodan Milosevic, with whom I have met.

Mr. Speaker, Slobodan Milosevic is more than the President of Serbia. He is the Hitler of Yugoslavia, the mastermind of the plan for a Greater Serbia. Milosevic has been the single most culpable figure in orchestrating this war.

Make no mistake, America. Make no mistake, my colleagues. If he had wanted to do so, he could have brought an end to the conflict. Not all the killing is organized, nor are all the atrocities. But he could have brought to an end the ethnic cleansing and the organized massacre of thousands, hundreds of thousands, of people. He could have stopped the largest migration of peoples in Europe since the Second World War, over 2½ million refugees, homeless, displaced, children, old people, families. Slobodan Milosevic is a name of infamy in the international community.

Some of these people, Mr. Speaker, were named as suspected war criminals by then-Secretary of State Lawrence Eagleburger almost a year ago, but they are still free and, in some instances, we negotiate with them.

I only assert the guilt of these individuals, because the new world order demands that we have a system of laws and not of men, a system in which even Milosevic has a right to defend his innocence. The international community, however, needs to have him at the dock, in the court, responding to the charges, as we did at Nuremberg. It is time to move forward with concrete indictment of specific individuals, establish a framework for apprehending them, and, ultimately, trials for war crimes.

Mr. Speaker, I am convinced that a lasting resolution of the war in the Balkans requires breaking the cycle of violence and vengeance that has racked this region, not just in this century, but in centuries past. That goal can only be achieved through the administration of justice, by an impartial and, in this case, international tribunal.

Mr. Speaker, if we are to have a new world order, it will be because, as we become witnesses, we then act. As we become witnesses, we become enraged and determined to hold accountable those who for no other reason than ethnic differences would commit acts of savagery on their fellow human beings.

Mr. Speaker, inaction in the face of genocide is both immoral and illegal, but here we are, witnesses to yet another attempt in this century to annihilate a people.

While I do not believe we have done all we can to prevent genocide in Bosnia, neither do I believe that it is too late to act.

As I have said many times on this very floor and in letters to the administration, the United States must take the lead. In particular the United States should put the U.N. Security Council on notice that unless it acts within a specified period of time to lift the arms embargo against Bosnia and Herzegovina, the United States will undertake unliteral action, if necessary, to uphold that country's right to self-defense, a right theoretically guaranteed to Bosnia by the United Nations Charter, but denied to it in practice.

In fact, Mr. Speaker, what we, and the rest of the world have done is to say, "We will neither defend you, nor will we allow you to get the arms to defend yourselves."

How many of us, Mr. Speaker, would say to our neighbor, under attack by those who would throw them from their home, that we have arms available for them to repell the criminal element at their door, but we will neither come to their aid, nor will we allow them to purchase an arm to protect themselves.

Mr. Speaker, that is not a moral policy. That is not a policy that is defensible. That is not a policy that allows any one of us to look at our neighbor the next morning and say, "We believed it was in the best interest of law and order in our community."

Mr. Speaker, some time ago, in the city of New York, in a built-up neighborhood, a cry was heard by many people. It was a cry of rape by a woman named Kitty Genovese, and she cried again asking for help from her neighbors and, perhaps, her friends. But no one took a risk to open the door, to open the door and go down the stairs, to where Kitty Genovese was being attacked. At least 50 people stayed in their homes, later to admit hearing the cries for help and the cries of pain.

□ 1230

We hear of a genocide. We hear of a genocide, and we say to ourselves it is dangerous to go outside the door.

Mr. Speaker, I do not advocate at this point in time the sending of American boys, American men, American personnel and material. But at the very minimum, Mr. Speaker, I believe it a moral imperative that we give to those under attack the right, the ability, and the means to defend themselves. For if we do not, their blood is not only on the hands of Slobodan Milosevic and those criminal elements with whom he conspires.

If the international community rewards aggression and permits criminals to retain their gains, with zero accountability, then we shall have forged the contours of a new world order far worse than the old. If we permit war criminals to prevail by sheer force, the post-cold war era will be shaped by the voices of violence and vengeance. If democracies are unwilling to back up their own principles with effective action, then we betray, Mr. Speaker, not only the innocent victims of this war, we betray ourselves and generations yet to come.

Mr. Speaker, this, we must not let happen.

DESIGNATION OF HONORABLE STENY H. HOYER TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS FOR REMAINDER OF FIRST SESSION OF 103D CONGRESS

The SPEAKER pro tempore (Mr. ANDREWS of Maine) laid before the House the following communication:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 23, 1993.

I hereby designate the Honorable STENY H. HOYER to act as Speaker pro tempore to sign enrolled bills and joint resolutions for the remainder of the First Session of the One Hundred Third Congress.

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

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 960

Mr. SPRATT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 960.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to rule I, the House stands 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.

□ 1534

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore at 3 o'clock and 34 minutes p.m.

ADJOURNMENT TO FRIDAY, NOVEMBER 26, 1993

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Friday, November 26, 1993.

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

Mr. SOLOMON. Reserving the right to object, Mr. Speaker, could the gentleman just enlighten us as to what is happening and why we are recessing until then?

Mr. BONIOR. Mr. Speaker, if the gentleman will yield, the Senate is still considering, it is my understanding, the Brady bill. They have not cleared the adjournment resolution as well. That is tied up in that issue, so we have to meet until that issue is resolved.

Mr. SOLOMON. I did not hear exactly what the gentleman's unanimous consent request was.

Mr. BONIOR. Well, the first unanimous consent request that I made was that when we adjourn, we adjourn until 10 a.m. this coming Friday, the day after Thanksgiving.

Then I will ask unanimous consent, once this is given, that when we adjourn on Friday, we meet at 2 p.m. on Tuesday next.

Mr. SOLOMON. So the intention on Friday would be, provided the business had been completed on the Brady bill, that we would just go in and out until the 25th?

Mr. BONIOR. It would be pro forma, of course. If there is some resolution, which we do not expect, I guess, at that particular point, but it would just be pro forma, yes, the gentleman is correct.

Mr. SOLOMON. And we will go in and out on Friday, and if it was not settled by that time, and if the Senate so chose, we would come back in on Tuesday?

Mr. BONIOR. That is correct, Tuesday, and hopefully that issue will be resolved and we can adjourn sine die.

Mr. SOLOMON. With no other business in-between?

Mr. BONIOR. That is my understanding.

Mr. SOLOMON. Well, Mr. Speaker, I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

ADJOURNMENT OF THE HOUSE FROM FRIDAY, NOVEMBER 26, 1993, TO TUESDAY, NOVEMBER 30, 1993

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, November 26, 1993, it adjourn to meet at 2 p.m. on Tuesday, November 30, 1993.

Mr. SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

HOLIDAY WISHES

Mr. SOLOMON. Mr. Speaker, I would like to wish you all a happy Thanksgiving, and all the staff that has been inconvenienced here as well, have a good one.

Mr. BONIOR. And the same to the gentleman from New York.

The SPEAKER. The good wishes are reciprocated.

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 Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HOYER, for 60 minutes, today.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 698. An act to protect Lechuguilla Cave and other resources and values in and adjacent to Carlsbad Caverns National Park.

H.R. 2632. An act to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for the fiscal year 1994, and for other purposes.

H.R. 3167. An act to extend the emergency unemployment compensation program, to establish a system of worker profiling, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On November 5, 1993:

H.R. 1308. An act to protect the free exercise of religion.

On November 17, 1993:

H.J. Res. 79. Joint resolution to authorize the President to issue a proclamation designating the week beginning on November 21, 1993, and November 20, 1994, as "National Family Week."

On November 19, 1993:

H.R. 3341. An act 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.

H.R. 2677. An act to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct the West Court of the National Museum of Natural History building.

H.R. 2401. An act to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

On November 20, 1993:

H.R. 3161. An act to make technical amendments necessitated by the enactment of the Older Americans Act Amendments of 1992, and for other purposes.

H.R. 2650. An act to designate portions of the Maurice River and its tributaries in the State of New Jersey as components of the National Wild and Scenic Rivers Systems.

H.R. 914. An act to amend the Wild and Scenic Rivers Act to designate certain segments of the Red River in Kentucky as components of the National Wild and Scenic Rivers Systems, and for other purposes.

On November 22, 1993:

H.R. 3225. An act to support the transition to nonracial democracy in South Africa.

ADJOURNMENT

Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until Friday, November 26, 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:

2180. A letter from the Comptroller General of the United States, transmitting an updated compilation of historical information and statistics regarding rescissions proposed by the executive branch and rescissions enacted by Congress (H. Doc. No. 103-175); to the Committee on Appropriations and ordered to be printed.

2181. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the Federative Republic of Brazil, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

2182. A letter from the Secretary of Education, transmitting notice of final funding priorities—Research in education of individuals with disabilities, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2183. A letter from the Secretary of Education, transmitting a draft of proposed legislation entitled "Howard University Endowment Amendments of 1993"; to the Committee on Education and Labor.

2184. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Israel for defense articles and services (Transmittal No. 94-10), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2185. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to the Coordination Council for North American Affairs [CCNAA] for defense articles and services (Transmittal No. 94-12), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2186. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 94-14), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2187. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 94-13), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2188. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by John Bundy Ritch III, of the District of Columbia, to be Ambassador to the International Atomic Energy Agency, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2189. A letter from the Director, Office of Management and Budget, transmitting a report concerning the accuracy, difficulties, benefits, and costs associated with the Federal agencies' audited financial statements; to the Committee on Government Operations.

2190. A letter from the Secretary of Energy, transmitting a letter from the Secretaries of Commerce, Energy, NASA, the National Science Foundation, and the Office of Science and Technology Policy with respect to the Penny-Kasich proposal to H.R. 3400; to the Committee on Government Operations.

2191. A letter from the Director, U.S. Soldiers' and Airmen's Home, transmitting the annual report under the Federal Managers' Financial Integrity Act for 1993, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2192. A letter from the National Adjutant, the Disabled American Veterans, transmitting the report of the proceedings of the organization's 72d National Convention, including their annual audit report of receipts and expenditures as of December 31, 1992, pursuant to 36 U.S.C. 901; 44 U.S.C. 1332 (H. Doc. No. 103-176); to the Committee on Veterans' Affairs and ordered to be printed.

2193. A letter from the Comptroller General of the United States, transmitting the review of the interest rate charged to borrowers, referred to as the cost of money rate, as determined by the Governor of the Rural Telephone Bank for the preceding fiscal year; jointly, to the Committees on Government Operations and Agriculture.

2194. A letter from the Secretary, Department of Transportation, transmitting the Department's report on high-speed ground transportation research and development, pursuant to Public Law 102-240, section 1036(c)(1) (105 Stat. 1983); jointly, to the Committees on Public Works and Transportation and Science, Space, and Technology.

2195. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation entitled "John F. Kennedy Center Act Amendments of 1993"; jointly, to the Committees on Public Works and Transportation and Natural Resources.

2196. A letter from the Director, Office of National Drug Control Policy, transmitting a draft of proposed legislation entitled "Office of National Drug Control Policy (ONDCP) Reauthorization Act"; jointly, to the Committees on Government Operations, Post Office and Civil Service, the Judiciary, and Energy and Commerce.

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. LEWIS of California:

H.R. 3719. A bill to establish a wellness program for Americans; to the Committee on Energy and Commerce.

By Ms. PELOSI (for herself, Mr. SCHUMER, and Mr. STARK):

H.R. 3720. A bill to regulate the manufacture, importation, and sale of jacketed hollow point ammunition, and for other purposes; to the Committee on the Judiciary.

By Ms. KAPTUR (for herself, Mrs. BENTLEY, Mr. KLINK, and Mr. HUNTER):

H. Con. Res. 195. Concurrent resolution expressing the sense of Congress that the Government should require that all tax benefits or other subsidies afforded to businesses operating in the United States as part of health care reform should be used for investment and job creation within the borders of the United States; to the Committee on Ways and Means.

By Mr. WASHINGTON:

H. Con. Res. 196. Concurrent resolution expressing the sense of Congress that United States assistance to Algeria should be terminated unless its military backed government proceeds towards democratization; jointly, to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

By Mr. GEPHARDT:

H. Res. 324. Resolution providing for the committee to notify the President of completion of business; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

267. By the SPEAKER: Memorial of the General Assembly of the State of California, relative to Norton Air Force Base; to the Committee on Armed Services.

268. Also, memorial of the General Assembly of the State of California, relative to war atrocities in the former Yugoslavia; to the Committee on Foreign Affairs.

269. Also, memorial of the General Assembly of the State of California, relative to native American burial grounds; to the Committee on Natural Resources.

270. Also, memorial of the General Assembly of the State of California, relative to expenditure of surplus airport revenues; to the Committee on Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. FARR.

H.R. 50: Ms. VELÁZQUEZ.

H.R. 70: Ms. MARGOLIES-MEZVINSKY, Mr. KINGSTON, and Mr. WALSH.

H.R. 214: Ms. MARGOLIES-MEZVINSKY and Mrs. MALONEY.

H.R. 301: Mr. COX.

H.R. 306: Mr. MANZULLO.

H.R. 391: Mr. KLUG.

H.R. 392: Mr. KLUG.

H.R. 657: Mrs. MALONEY.

H.R. 790: Mr. BARCA of Wisconsin, Mr. PALLONE, Mr. POMEROY, Mr. SCHAEFER, Mr. GOODLATTE, and Ms. MARGOLIES-MEZVINSKY.

H.R. 886: Mr. WALSH, Mr. BURTON of Indiana, and Mr. SOLOMON.

H.R. 894: Mr. HERGER.

H.R. 957: Ms. ESHOO.

H.R. 999: Mr. PALLONE.

H.R. 1009: Ms. MARGOLIES-MEZVINSKY.

H.R. 1120: Mr. ENGEL.

H.R. 1146: Ms. BROWN of Florida.

H.R. 1161: Mr. ENGEL.

H.R. 1168: Mr. ARCHER.

H.R. 1231: Mr. HOAGLAND, Mr. NADLER, Mr. HOLDEN, and Mr. ANDREWS of Maine.

H.R. 1277: Mr. PORTMAN.

H.R. 1493: Mr. GORDON, Mrs. MALONEY, and Mr. BROWN of Ohio.

H.R. 1523: Mr. BACHUS of Alabama.

H.R. 1552: Mr. FINGERHUT, Ms. MARGOLIES-MEZVINSKY, and Mr. KINGSTON.

H.R. 1604: Mr. BROWN of Ohio and Ms. MARGOLIES-MEZVINSKY.

H.R. 1621: Ms. MARGOLIES-MEZVINSKY.

H.R. 1720: Mr. EDWARDS of California and Mr. MOAKLEY.

H.R. 1778: Mr. FILNER.

H.R. 1900: Mr. FARR.

H.R. 1999: Mr. WILSON.

H.R. 2365: Mr. BARCA of Wisconsin and Mr. WYNN.

H.R. 2393: Mr. ZIMMER.

H.R. 2396: Mr. SANDERS.

H.R. 2443: Mr. GEKAS, Mr. DEAL, and Mr. KOPETSKI.

H.R. 2488: Mr. SANGMEISTER.

H.R. 2554: Mr. HOEKSTRA.

H.R. 2826: Mr. MOLLOHAN and Mr. DEUTSCH.

H.R. 2879: Mr. BILIRAKIS.

H.R. 2890: Mr. ENGEL.

H.R. 2958: Mrs. UNSOELD.

H.R. 3017: Mr. WELDON.

H.R. 3064: Mrs. MEYERS of Kansas.

H.R. 3080: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3097: Ms. SLAUGHTER.

H.R. 3128: Ms. MARGOLIES-MEZVINSKY.

H.R. 3179: Mr. HANCOCK.

H.R. 3183: Mr. MANZULLO.

H.R. 3195: Mr. ENGEL.

H.R. 3222: Mr. WALSH.

H.R. 3234: Mr. DELLUMS.

H.R. 3309: Mr. SWETT.

H.R. 3328: Ms. DUNN, Mr. DE LUGO, Mr. HOAGLAND, Mr. JOHNSON of South Dakota, Mr. VALENTINE, and Mr. MORAN.

H.R. 3334: Mr. DELAY, Mr. COX, Mr. SOLOMON, Mr. CRANE, and Mr. HOEKSTRA.

H.R. 3367: Mr. CAMP.

H.R. 3386: Ms. LAMBERT, Mr. HOBSON, Mr. BONIOR, Mr. FIELDS of Texas, Mr. HANCOCK, Mr. KANJORSKI, Mr. BOUCHER, Mr. HINCHEY, Mr. BREWSTER, Mr. CAMP, Mr. APPLEGATE, and Mr. ZELIFF.

H.R. 3430: Mr. BEILENSON, Mr. HOCHBRUECKNER, Mr. ACKERMAN, Mr. KING, and Mr. LEVY.

H.R. 3434: Mr. BECERRA.

H.R. 3480: Mr. PORTER.

H.R. 3527: Mr. BECERRA and Mr. ANDREWS of Maine.

H.R. 3589: Mr. FIELDS of Louisiana.

H.J. Res. 90: Mr. KIM and Ms. FURSE.

H.J. Res. 175: Mr. DARDEN, Mr. BILBRAY, Mr. DE LUGO, Mr. ANDREWS of Maine, Mrs. CLAYTON, Mr. COLEMAN, Mr. BROWDER, Mr. DOOLEY, Mr. FORD of Michigan, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HOUGHTON, Mr. ORTIZ, Mr. POMBO, Ms. PRYCE of Ohio, Mr. RICHARDSON, Ms. ROYBAL-ALLARD, Mr. ROHRABACHER, Mr. SABO, Mr. SCHIFF, Mr. STUPAK, Mr. THORNTON, Mr. TEJEDA, Ms. WATERS, and Mr. SMITH of New Jersey.

H.J. Res. 257: Mr. MATSUI, Mr. HUGHES, Mr. RAHALL, Mr. CONYERS, Mr. LEWIS of Georgia, Mr. SERRANO, Mr. SAXTON, Mr. SPENCE, Mr. SCHUMER, Mr. MOLLOHAN, Mr. TAYLOR of North Carolina, Mr. SANDERS, Mrs. MEYERS of Kansas, Mr. STENHOLM, Mr. HOBSON, Mr. CALLAHAN, Mr. CRAMER, Mr. LAFALCE, Mr. GRANDY, Mr. KLECZKA, Mr. MARKEY, Mr. TORKILDSEN, Mr. FORD of Michigan, Mr. STUPAK, Mrs. MALONEY, Mr. CRAPO, and Mr. KNOLLENBERG.

H.J. Res. 284: Mr. NADLER.

H. Con. Res. 14: Mrs. MEYERS of Kansas, Mr. TORRICELLI, Ms. BROWN of Florida, and Mr. TRAFICANT.

H. Con. Res. 148: Mr. CRANE, Mr. MARTINEZ, Mr. HUNTER, Mr. CUNNINGHAM, Mr. DELAY, Mr. BARTLETT of Maryland, Mr. YOUNG of Alaska, Mr. BOEHNER, Mr. DOOLITTLE, and Ms. BROWN of Florida.

H. Con. Res. 156: Mr. GEJDENSON and Mr. SANDERS.

H. Con. Res. 166: Mr. GINGRICH.

H. Con. Res. 167: Ms. BROWN of Florida, Mr. BARCA of Wisconsin, Miss COLLINS of Michigan, Mrs. MALONEY, and Mr. RUSH.

H. Res. 33: Mr. NADLER and Ms. FURSE.

H. Res. 234: Mr. WYNN, Mr. NADLER, Mr. BARLOW, Mr. COBLE, Mr. BAKER of Louisiana, Mr. BARTLETT of Maryland, Mr. HANCOCK, Mr. TAYLOR of North Carolina, Mr. THOMAS of Wyoming, Mr. YOUNG of Florida, and Ms. SCHENK.

H. Res. 242: Mr. BILIRAKIS.

H. Res. 243: Mr. BILIRAKIS.

H. Res. 244: Mr. BILIRAKIS.

H. Res. 281: Mr. MCNULTY, Mr. MCCRERY, Mr. MURPHY, Mr. MOLLOHAN, Mr. GORDON, Mr. POSHARD, and Mr. BACCHUS of Florida.

H. Res. 291: Mr. ARMEY.

SENATE—*Tuesday, November 23, 1993*

The Senate met at 10:30 a.m., and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

PRAYER

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

Let us pray:

In a moment of silence, let us remember Senator DORGAN and his family in the loss of their 23-year-old daughter night before last.

"* * * *he that is greatest among you shall be your servant.*"—Matthew 23:11.

Our Father in Heaven, we express our profound gratitude for the wisdom, strength, courage, and fairness of the leadership of the Senate. We commend our leaders to Your loving care and gracious blessing for them and their families through these next weeks.

And we remember, Lord, all the Members of the Senate and their families. For those who travel, we pray that Thou wilt guide them in their journeys and bring them safely home. Grant that time with their families will be precious, reconciling, healing, and renewing.

Let Thy blessing rest upon all who serve on Capitol Hill and their loved ones.

"The Lord bless you, and keep you: The Lord make his face to shine upon you, and be gracious unto you: The Lord lift up his countenance upon you, and give you peace."—Numbers 7:24–26.

Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 23, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business with Senators permitted to speak therein for not to exceed 10 minutes each.

In my capacity as a Senator from the State of Hawaii, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. In my capacity as a Senator from Hawaii, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

STAFF TRIBUTE 103D CONGRESS, FIRST SESSION

Mr. MITCHELL. Mr. President, as we conclude the first session of the 103d Congress, I want to acknowledge and to thank members of the Senate staff for the assistance they have given me and my colleagues throughout the year.

Staff play an invaluable, albeit often invisible role in the operations of the Senate. From the service department to the Parliamentarian's office, staff work long and unpredictable hours. Their family lives suffer and their social lives are often put on hold.

All of us depend on staff for information, for assistance with constituents, for the smooth operation of our offices here and in our home States. We all depend on the officers and staff of the Senate for the smooth operation of the institution in which we have the honor to serve.

I begin by expressing my gratitude for the invaluable services of the Secretary of the Senate, Walter "Joe" Stewart. First appointed as Secretary by then-Majority Leader ROBERT BYRD in 1987, Joe is a Senate legend.

His efficiency and effectiveness contribute significantly to our work here, and I am grateful to him. Joe is ably assisted by assistant secretary, Jeri Thomson, and by Michelle Haynes, Dot Svendson, Muriel Anderson, Barbara Muller, and Ray Strong, all of whom also have my thanks.

I take special pleasure in thanking the Sergeant at Arms, Martha Pope. She has been with me for many years, and I depend on her counsel a great deal. The first woman in the history of the Senate to serve as Sergeant at Arms, Martha does an excellent job. I know she would be the first to acknowledge that much credit for the effectiveness of her office goes to her deputy, Robert Bean. Bob is the glue that holds the office together, and with it, much of the Senate. Martha Pope and Bob depend on the services of a very able and energetic team: Patty McNally, Loretta Fuller, Cristina Krasow, Patrick Hynes, Alvin Spriggs, Pete Beatty, Betty Bunch, Rita Harris, Christopher Wilson, Laura Parker, Bill Norton, and Blanche Williams.

I and my Democratic colleagues are fortunate to have Abby Saffold serving as secretary for the majority. The Senate would be a very different place without her. She is competent and professional, and, in addition, a pleasure to work with. She is fortunate to have the assistance of such capable people as Jerri Davis, Maura Farley, and Sue Spatz.

The assistant secretary for the majority, Martin Paone, is the person we all rely upon for assistance on the Senate floor. Marty works closely with the Democratic floor staff and has saved every Democratic Senator countless hours of time with his cogent advice and understanding of Senate rules. I thank him for his outstanding work.

Working on the Democratic floor staff are Lula Davis, Art Cameron, and Kelly Riordan. The long hours they put in and their reliable cheerfulness make the operations of the Senate Chamber run more smoothly and pleasantly. I appreciate all of their hard work. Nancy Iacomini and Brad Austin lend their valuable support to the floor operation.

Every Democratic Senator knows and appreciates the outstanding work of the Democratic Cloakroom staff: Lenny Oursler, Kathy Drummond, Gary Myrick, and Paul Cloutier. They make the life and work of Senators much easier and more productive. They have important jobs, tough jobs, filled with competing demands and pressures. They have proven themselves equal to these challenges, and I am grateful.

Mr. President, the U.S. Senate is well known for its complex rules and procedures. The body cannot function without the guidance of someone with extensive knowledge of those rules and the ability to interpret them for Members and staff.

We are fortunate that we have such a person serving as Senate Parliamentarian, Alan Frumin and his very capable assistants, Kevin Kayes, Beth Smerko, along with his executive assistant Sally Goffinet.

The Senate doorkeepers, directed by Arthur Curran and Don Larson, are with us every hour we are in session. I appreciate their long hours and dedication.

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

I also want to recognize the important work performed by the official reporters of debates: chief reporter, Chick Reynolds; the deputy chief reporter, Scott Sanborn; morning business editor, Ken Dean; and his assistant, Elizabeth MacDonough; and the official reporters of debates, Frank Smonskey, Ron Kavulick, Jerry Linnell, Raleigh Milton, Joel Breitner, Mary Jane McCarthy, and Paul Nelson. All have my gratitude for jobs well done.

Americans listening to the Senate hear the voices of legislative clerk Scott Bates and his assistant, David Tinsley, calling the roll and performing other essential duties. Bill clerk Kathie Alvarez and her assistants Mary Anne Moore and Christopher Mann; journal clerks William Lackey, Patrick Keating, and Mark Lacovara; enrolling clerk Brian Hallen and his assistant, Tom Lundregan; executive clerk Gerry Hackett and his assistant, Dave Marcos; and Daily digest editor Tom Pellikaan and his assistants Linda Sebold and Kimberly Longsworth, all have my thanks for their competence in performing some of the most exacting but crucial day-to-day tasks in the Senate.

I want to give special attention to Katie-Jane Teel and her staff of expert captioners. They are the very best in their field as is evidenced by the high praise they have received from the hearing impaired community. I appreciate their efforts in making the deliberations of the Senate accessible to all Americans.

The work of Barry Wolk and his printing services staff, Randell Curry, David Roman, and Kurt Stelter; the superintendent of the document room, Jeanie Bowles, and her staff; Mike DiSilvestro and his staff, are all fundamental to the effective workings of the Senate, and I commend them for it.

I want to give special attention and a special thanks to those young Americans who are also vital to the effective workings of the U.S. Senate—the Senate pages. I thank them for their energy, their zeal, and their hard work. They somehow manage to keep up with their school work while serving long hours in the Senate every day. I wish each and every one of them the very best in what I know will be very rewarding futures.

The Democratic Policy Committee, with Senator DASCHLE'S able leadership, has become an important vehicle for bringing Democrats together on key issues such as the economy, health care, education, and the environment.

Greg Billings, Director of Information Services, works hard to ensure that Senate Democrats are kept informed of the Senate's business. Deborah Silimeo, DPC's Director of Outreach, has been a major force behind our success in getting out the word about the Senate Democratic agenda, particularly health care, through press events, issue documents, and other promotional efforts.

Ken Rynne works hard on outreach and helping promote the Democratic agenda. Rindy O'Brien has been especially helpful in organizing Senate Democrats around a consensus health care bill. Dave Corbin has done a great job in developing creative, user-friendly reports on the economy and other issues of importance to working Americans and their families.

Paul Brown, Paul Carliner, Lauren Griffin, Leah Titerence, and Tony Morgan are diligent in keeping Senators and Senate offices informed about key Democratic initiatives and legislative activity on the floor of the Senate. Kelly Paisley, Heather Drinan, Michael Mozden, Dana Lewis, Trish Moreis, and Russ Dunn all lend important support to the DPC operations.

DPC has a team that works hard to ensure that DPC publications and voting materials get out accurately and on time. Marian Bertram, Marguerite Beck-Tex, and Doug Connolly help oversee the effort. Lynn Terpstra, Heather Mayes, Clare Amoruso, Colleen Stephenson, and Von Brown are all instrumental to this effort. Lisa Plante and Jeff Pray ably run the DPC–TV station.

Mr. President, I also want to take this opportunity to call attention to and to express my appreciation of the Republican counterparts to the Democratic staff.

I especially commend Sheila Burke, chief of staff to the Republican leader, and James Whittinghill; they are worthy counterparts, but more importantly, they are professionals. The work and the cooperation of the secretary for the minority, Howard O. Greene, and his assistant, John Doney, and Elizabeth Greene of the Republican floor staff help expedite the work of the Senate, and they are all unfailingly courteous and helpful persons to work with.

The staff of the Republican cloakroom assists Republican Senators and are likewise courteous, helpful, and very professional people. I thank them and all the other staff on the other side of the aisle.

Mr. President, the Senate could not function without the support and services of many other offices. I wish now to recognize and thank them for the important work they do.

One of the most difficult and complicated jobs around here is ensuring the safety of this great, historic building and the people who work in it, while preserving the right of the American people to see their Government in action.

The U.S. Capitol Police Force, headed by Chief Gary Abrecht and his Assistant Chief Robert Langley, protect the security of a building which has over 1 million visitors each year. I know of no security force in the world which must operate in similar circumstances. The work of the Capitol Police is demanding and potentially dangerous and the officers discharge their duties impeccably.

I commend the staff of the Service Department under the able leadership of Russell Jackson. These dedicated men and women are here early in the morning and late at night, when the Senate is in session and when it is not, making sure that Senate publications are ready the next day.

Officers and staff who are not always visible, but whose daily work is essential to the institution's operations are the director of the computer center, Mike Bartell, postmaster Gayle Cory, director of telecommunications Robert McCormick, the director of the recording and photo studios Jim Grahane, and director of the cabinet shop Don Gardner, and all of their staffs. Special acknowledgment also goes to the financial management team of Chris Dey, Ray Payne, Richard Zelkowitz, Amy Blanchard, and Alan Block. They may not always get the recognition they deserve for their outstanding work in their very demanding jobs, but all of them are appreciated more than they will ever know.

Also, I would like to commend those who keep this building so well maintained under the leadership of Karen Ellis, Phyllis Timms, and Ross Thomas.

Mr. President, I have often pointed out that former Senate Majority Leader Lyndon Johnson was fond of saying, "information is power." I have also explained that while I always understood what he meant by the phrase, it is as majority leader that I have come to fully appreciate what he meant. With each passing year, I become even more grateful to the Senate's information support services.

There is the Congressional Research Service—whose reports, issue briefs, and other publications are consulted by every Member of this Chamber and their staffs. The ability of CRS to retrieve information, find the most minute of facts, perform complicated research, and provide prompt, timely analysis on difficult issues makes them crucial to the effective workings of the U.S. Senate.

I also thank the Congressional Budget Office for its important and timely work. CBO's prompt, thorough analyses of the costs of pending legislation and its analyses of historical and programmatic trends have become a vital part of the legislative process.

I commend the Senate Library staff for their resourcefulness, and for the speed with which they fulfill the research demands of the Senate. Senate Librarian Roger Haley, assistants Ann Womeldorf, Greg Harness, Donnee Gray, and all the others on his talented hard-working staff are truly appreciated.

Senate Historian Dr. Richard Baker and his talented staff provide Members with invaluable knowledge of the past. I thank them for their work in meticulously documenting the history of this Chamber.

The Reverend Dr. Richard Halverson, the Senate Chaplain, is a spiritual leader whose compassion and thoughtful words inspire us all. Every morning that the Senate is in session he begins our day with thoughtful, guiding words. He provides comfort when it is needed, and inspiration in good times and bad. His work and his presence here are truly appreciated.

Attending to our physical needs and problems is Dr. Robert Krasner and his competent, and always pleasant medical staff.

Also attending to our physical needs, albeit in different ways, are the outstanding staffs of the Senate restaurants. I thank them for their service.

The Senate reception room is managed by Neil Cikins, Shirley Herath, "Irish" McLain, and Ruby Paone. I want to personally thank them for their friendliness and cooperation in serving as a liaison between people on and off the Senate floor.

Those who work in the Senate Press Galleries, including Bob Peterson, Jim Talbert, Maurice Johnson, Larry Janezich, and their deputies perform a valuable service in helping the media to follow the activities in this Chamber, and I thank them for it.

The staff of the recording studio's broadcast control perform the important chore of helping to bring the workings of the U.S. Government closer to the American people. They have my thanks for their valuable service.

Last but by no means least, Mr. President, I want to express my deep appreciation for my own staff who continue to serve me so well and so tirelessly. I begin by recognizing and commending my Senate leadership staff, headed by my chief of staff, John Hilley. His calm demeanor under extraordinary pressures, his ability to make the complex seem simple, and his political sagacity make him an excellent chief of staff.

Also making my life and work as Senate majority leader much easier and more comfortable are the other dedicated professionals in the majority leader's office. These include Lisa Nolan, whose disciplined, orderly thinking and behavior are blessings in an office where chaos constantly threatens.

My executive assistant, Pat Sarcone, is always there when I need her—indeed, she is the miracle worker that every office needs. She handles every demand and every task, no matter how difficult, with a professional style and an infectious positive attitude. I know of no person who has not found it a pleasure to work with her.

I have been very fortunate to acquire the services of Jim Weber, formerly of the Senate Parliamentarian's Office, who will serve as counsel to the majority leader. Jim has already proven his value in the closing days of this session, and I look forward to working with him in the years ahead.

I also commend the work and loyalty of special assistant Alice Aughtry and staff assistant Ross LaJeunesse for performing many of the needed tasks in the leader's office.

My communications office is under the direction of the very capable and talented Diane Dewhirst. Diane works splendidly with the press so that the public may be better informed on the workings of the Senate. Her capable assistants, Mary Ann Hill, Mary Helen Fuller, Julie Goldberg, John Byrne, Kevin McManus, Chris Deckel, Clare Flood, Kevin Kelleher, and Mark Marchione work hard to make sure the communications office serves its important purpose.

To the staffers in my personal office I owe a special debt of gratitude. They are talented, dedicated professionals who work hard on behalf of the Senate and the State of Maine. I applaud them for their efforts, and want them to know that I appreciate them very much.

I begin with my administrative assistant, Mary McAleney. She knows the State of Maine and its people as well as anyone, and I appreciate her tireless efforts on behalf of Maine's people. Mary relies on the experience and capability of Donna Beck, my office manager, whose discipline and consistency are the basis on which much of my office depends.

My legislative staff is outstanding. I thank each and every one of them for the excellent work they do. Bobby Rozen's knowledge of tax and banking issues cannot be matched, and I trust his counsel. Anita Jensen has been with me since the beginning. She is multitalented and tireless in all her efforts. Grace Reef is truly "amazing Grace" as she handles issues ranging from roads and bridges to housing and welfare—and does it all superbly. She is also a new mother, a job which I am sure she'll handle superbly as well. Chris Williams has worked all year and before to support our efforts to ensure that every American has access to affordable, quality health care. Kim Wallace deals with appropriations, budget, education, and many other important issues, and is a joy to know. Rich Arenberg has worked for me for a long time in several different positions; he is currently doing an excellent job as my special assistant for national security affairs. I rely on Bob Carolla for many and various issues, especially aviation. Steve Hart works on veterans, agriculture, forestry preservation issues—all matters very important to Maine.

Sandy Brown handles diverse areas ranging from science and technology to the arts. She is best known for her tireless efforts to restore passenger rail service to Maine. Seth Brewster handles trade, and has worked for the past year on the NAFTA Treaty, which he helped see to its successful approval. Peggy Dorothy works on labor and fisheries issues.

I am fortunate to have two very capable staffers working with me on environmental issues. Ann Tartre on my personal staff and Jeff Peterson of the Environment Committee balance issues of environmental preservation and economic development. Special assistant Ashley Abbott works with my judiciary staffer and maintains background and reference materials.

I have an extremely capable foreign policy staff on whom I rely tremendously. Ed King covers Asia and Central America. I especially value his crucial work on the China-MFN issue. Brett O'Brien handles defense issues and the Middle East. His knowledge of the defense industry is invaluable as we balance the needs of our national defense and our domestic priorities in a changing world.

I also express my deep appreciation for all those who perform the essential day-to-day tasks that keep the office functioning. Assistant office manager, Sally Ehrenfried keeps the office supplied, operating, and staffed whenever the need arises, trains and supervises the interns, and fills in wherever my office staff needs her.

Performing the important tasks of answering constituent phone calls and letters so that I can stay in contact with the people of Maine are Alice Steward, who oversees my legislative correspondents, Heidi Heal Bonner, Deb Cotter, Trey Kelleter, Patrick Maxcy, Jeff Sanders, John Simko, and Jill Ward. Staff assistants include Mike Rabasco and Charlie Strout, who sort through the hundreds of letters my office receives weekly—and Josh McIntyre and Dave Webber who answer the phones and respond to constituents' comments and requests.

Janie O'Connor is my liaison with Maine visitors. Janie has over 12 years' experience on Capitol Hill and is one of the very best tour guides on the Hill. Diane Smith is responsible for my Maine schedule. She has the difficult and often thankless job of balancing the many requests placed upon the majority leader against the time I need and want to spend in Maine. Diane can pack 12 hours of work into a 10-hour day and still leave time for a quick lunch. Jeff Hecker works hard to make sure that our computer system is up and running. Faye Johnson ably runs the CMS system.

My Maine press secretary David Bragdon, and his assistant, John Dougherty, make sure the people of Maine are fully aware of our legislative efforts.

And a special thanks to my driver, Willie Allen, who cheerfully and ably ensures that I meet the hectic schedule demands of majority leader.

My office could not function without the assistance of all the interns who pass through its doors. I assure each one of them that I and the rest of my staff truly appreciate their assistance throughout the year, and I wish each one of them future success.

Ensuring that the citizens of Maine have access to their Federal Government are my field staff. Under the superb supervision of Larry Benoit, this dedicated group of men and women includes Sharon Sudbay, Margaret Kneeland, Phil Potenziano, Judy Cadorette, Ann Marie Paquette, Jeff Porter, Joan Pederson, Sue Gurney, Janet Dennis, Tom Bertocci, Clyde MacDonald, Margaret Samways, Jeanne Hollingsworth, Elaine Huber-Neville, Mary Leblanc, and Marcia Gartley. My field staff are my eyes and ears and representatives to the people in Maine, and I thank them for the important work they do each and every day.

Mr. President, there are many other people who contribute to the productive workings of the U.S. Senate. I wish that I had the time to thank every one of them.

As a former Senate staffer myself, I know that it is easy to feel underappreciated for all the long hours the Senate demands. It is the people who work behind the scenes who ensure the smooth workings of the Senate, and who have enabled us, working together as a team, to have a productive first session of the 103d Congress. Each and every one of them has my gratitude and my thanks.

ARIZONA'S 1994 TEACHER OF THE YEAR: MARGO STONE

Mr. DECONCINI. Mr. President, Margo Stone, a cross-categorical resource teacher at Centennial Elementary School in the Flowing Wells Unified School District in Tucson has been chosen as the 1994 Arizona Teacher of the Year/Ambassador for Excellence. I would like to extend my congratulations as well as my appreciation for her efforts on behalf of Arizona's children.

As we all know, teachers are the backbone of our educational system. They are all-too-often unsung heroes on the frontlines of America's efforts to educate our children, to steer them away from the negative influences of drugs and gangs and to equip them and inspire them to seek a better future through education. Margo Stone exemplifies the finest of Arizona's and our Nation's teachers.

Margo Stone has been teaching special education in Arizona schools since 1983. In 1990, she came to Centennial Elementary School. Renate Krompasky, her nominating principal, is quick to extol her qualifications: "Margo is an exemplary teacher who can combine the scientific principles of teaching with human relations skills and creativity to make learning come alive for her special education students. It is amazing how confident the students become after a year of working with Margo Stone." Krompasky's support is shared by Stone's colleagues who praise her not only because of her dedication to her students, but for the assistance she provides to other teachers.

Stone believes that she brings to her classroom the confidence that her own teachers gave to her throughout her life. She no doubt passes this gift of self-confidence and drive for success on to her students.

Stone's accomplishments continue beyond the classroom into her community. She has been a block captain in a neighborhood crime-prevention program, the Centennial School's representative for the United Way Campaign, and a participant in the March of Dimes Walk America. In addition, she donates her time helping to prepare hot meals and brown bag lunches for the Salvation Army. She is also a member of the Council for Exceptional Children, the Learning Disabilities Association of America and Arizona, and a delegate to the Arizona Education Association.

Margo Stone deserves to be commended for her devotion to improving the lives of our children. I ask my colleagues to join me, along with many Arizona citizens, in honoring Margo Stone for her excellence as a teacher and role model.

TRIBUTE TO BEN GILDER GEORGE

Mr. HEFLIN. Mr. President, Ben Gilder George, the former owner and publisher of the Demopolis, AL, Times newspaper died on November 18. Ben was a past president and a board member of the Alabama Press Association, a former member and director of the Sigma Delta Chi journalism society, and a charter member of the Alabama Cattlemen's Association.

In addition to being a pillar in the field of journalism in the State, he was also active in many civic and community organizations. He served as President of the Demopolis Rotary Club, of which he was a member beginning in 1932. On the local board of education, he was chairman and a member for 7 years. He was also president of the Demopolis Area Chamber of Commerce; founder and chairman of the Blackbelt Baseball League; and an organizing Member of the Demopolis Country Club. He once received a Special Honorary Membership Award in recognition of a lifetime of service to his community.

Ben George was an honest and generous individual who truly cared about his community and State. He demonstrated this commitment in many different ways over the years and will be missed by those fortunate enough to have known him. I extend my sincerest condolences to Ben's wife, Elizabeth, and their entire family in the wake of their tremendous loss.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

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

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,466,980,042,700.48 as of the close of business yesterday, November 22. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,390.79.

COSPONSORSHIP OF S. 1576

Mr. HATCH. Mr. President, I rise today to announce my cosponsorship of S. 1576, the Family Investment, Retirement, Savings, and Tax Fairness Act of 1993 [FIRST].

It is time that we in Congress face up to the fact that the spending and taxation legislation that we pass is directly responsible for the health of our economy and the financial well being of our Nation's families. The failure of the Federal Government to significantly reduce Federal spending and its propensity to raise taxes as a quick fix have had serious adverse impacts. We cannot ignore the effect of a crushing national debt and rising taxes on all American families.

S. 1576 will help deal with these economic realities. First, the bill presents a plan for dealing with the deficit crisis by placing a 2 percent cap on the growth of Federal spending. This will force Congress to make the difficult choices and to set spending priorities. We cannot continue our reckless spending habits.

Second, the bill addresses the fiscal crisis in which many of our families find themselves by providing a $500 credit for every child under age 18. This will help every family in America that is struggling to pay the high costs of raising kids. The bill goes beyond this, however, by also providing tax incentives that will result in new jobs, so

that today's kids will have employment opportunities in tomorrow's economy. These incentives include a reduced capital gain tax rate, a neutral cost recovery system, and expanded individual retirement accounts.

In short, the FIRST bill would eliminate the deficit in 10 years, while paying for the family tax relief and economic incentives previsions. This legislation recognizes that individual taxpayers and wage earners provide the spark for the entire economy.

Will this bill solve all of America's problems? Of course not. Is the bill perfect? No. Had I drafted the bill, I would have changed several provisions. What the bill does, though, is give us a starting point in dealing with these twin crises of the deficit and our families. I look forward to working with my colleagues on the Finance Committee in the coming year in finding solutions to these problems as well as to the related health care spending challenge that we face in this Nation.

TRIBUTE TO JULIA CHERRY

Mr. DURENBERGER. Mr. President, family, friends, and colleagues in Minnesota are saying goodbye to Julia Cherry today. Her life was a testament to the power of truth and the value of service.

Julia worked in my Minnesota office for a period of 13 years and retired last year.

She represented a living link, for my staff and myself, to the civil rights struggles on the 1960's. Having grown up in the South and endured discrimination during her own life time, she became the conscience of my organization on human rights matters.

Julia was a lifelong worker for community development and was involved with the urban concerns workshop, the NAACP, the Urban Coalition, and other groups. She understood that the building blocks of society are not Government programs, but families and churches and neighborhoods. She worked hard to build communities from the ground up, because she knew that Washington could never save them from the top down

Civil rights and community development were not abstract legal matters to her. She knew in her bones the need for us to be always moving forward, never slipping back, on the road to genuine equality among all Americans. And many, many times, Julia confronted our apathy or ignorance with the truth about history and challenged us to be diligently working toward an America where we are all free.

When most people think of the daily life of Senators, they think it is filled with endless debates and momentous decisions about the future of the country and the world. Unfortunately, much of that is done for show and nothing changes very much or very fast in that arena.

But where change does come is in the neverending effort of members of our staffs who intervene in the problems of daily life which confront our citizens. Getting the help Government promises to people delivered. Making impersonal regulations accommodate the needs of real people. Providing hope and encouragement to those who feel they've been left out or left behind.

That's the service Julia provided for over a decade to the people of Minnesota. How I wish the hundreds, even thousand of lives Julia touched could have stood in one place and thanked her personally. What an awesome sight that would be.

Julia Cherry's life was devoted to truth and service. All of the members of my staff extend their condolences to Julia's family, and join with them in celebrating the value and progress her life brought about.

THE CLEAN FUELS DEBATE

Mr. WALLOP. Mr. President, one of the most contentious debates involving both the Clean Air Act and the National Energy Policy Act centered on the issue of clean fuels for motor vehicles. It has been an energetic debate, with competing industries seeking to establish strong market positions. The major contestants have been the grain industry and the fossil fuel derivatives industry.

This fractious debate has been prompted by a requirement under the 1990 Clean Air Act amendments to develop a clean fuel to reduce pollution in nonattainment areas around the Nation. The clean fuels challenge is obviously a multi-million-dollar opportunity. The contestants will obviously use every means available to gain an advantage. I vividly recall our debates over amendments which would have created a statutory advantage by one type of fuel over others as the official clean fuel. This effort was, appropriately, defeated.

But, the competition continues. Recently, there was a barrage of criticisms aimed at one particular fuel, an obvious effort at what we in the political arena would call negative campaigning. As is typical of such campaigns, the truth is stretched and questionable claims are issued. In this instance, the target was oxygenated fuels, primarily methyl tertiary butyl ether, commonly known as MTBE. MTBE is the largest volume oxygenate used in oxygenated gasoline.

In this instance, the negative campaign appears to have gotten out of hand. The issue will be confused, clouded by questionable accusations. No oxygenate, whether ethanol or methanol, will benefit from misinformation. It will simply overshadow the numerous benefits which we all derive from the use of these products.

I have had discussions with the Oxygenated Fuels Association, which is obviously the umbrella association for the industry, about the various clean fuels. I have been particularly interested in the arguments surrounding MTBE. I should remind my colleagues that MTBE is not a new product. It has been in use long before it was enlisted in the battle to combat air pollution. As a chemical product, it is a mature compound. In fact, we have all used it in our gasoline tanks as an octane booster.

I have received useful materials from OFA regarding oxygenates, specifically MTBE, and their role in promoting clean air. I would ask that this material be included at the conclusion of my remarks. Hopefully, this material will help clear the air on this issue.

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

[From the Oxygenated Fuels Association, Inc.]

THE OXYGENATED FUELS PROGRAM

QUESTIONS AND ANSWERS

What are oxygenated fuels?

Oil refiners blend ethers and alcohols with gasoline to increase its oxygen content, resulting in a more complete combustion of the fuel. The most common of these oxygenates are merely tertiary butyl ether (MTBE) and ethanol.

Oxygenated fuels, also known as oxy-fuels, are used to improve combustion and reduce tailpipe emissions of carbon monoxide (CO) and unburned hydrocarbons.

Oxygenates, such as MTBE, have been researched and designed for use in existing vehicles to eliminate the need for costly engine or emission control technology modifications or changes to the existing U.S. fuel distribution system.

What is the Oxygenated Fuels Program?

The Oxygenated Fuels Program is designated to help reduce carbon monoxide concentration to levels allowable by federal air quality requirements—the National Ambient Air Quality Standards (NAAQS).

The program is mandated in Title II of the 1990 Clean Air Act Amendments, which regulates air pollution from mobile sources such as automobiles, and is, required in all cities that do not meet federal standards for CO because of vehicle exhaust.

Oxy-fuels are required during the winter when carbon monoxide pollution is the worst. Carbon monoxide is primarily associated with the poor combustion characteristics of fuels in engines operating at cold start-up temperatures, and intensified by cold weather conditions.

Why the concern for carbon monoxide?

Carbon monoxide (CO), a colorless, odorless gas emitted from automobile exhaust, poses a health risk to many individuals. Carbon monoxide enters the bloodstream through the lungs and inhibits the blood's capacity to carry oxygen to organs and tissues.

Carbon monoxide poisoning has been linked to impaired brain function, including headaches, fatigue, weakness, dizziness, nausea and shortness of breath.

People with chronic heart disease may experience chest pains when exposed to carbon monoxide. Exposure also can be harmful to pregnant women, small children, the elderly and people suffering from upper respiratory ailments.

Other potential ill effects include impairment of exercise capacity, visual perception, manual dexterity and learning functions.

How does the program work?

To meet strict emissions standards in targeted areas, the program requires oil refiners to add oxygen to gasoline by blending fuels with oxygenates. Fuels sold during designated control periods must contain a minimum oxygen content of 2.7 percent by weight.

Program parameters and procedures may vary by state, although most states have implemented extensive public education campaigns as part of the overall program.

Who is affected by the program?

The Oxygenated Fuels Program benefits those who live and work in participating cities because the program improves air quality.

Approximately 39 urban areas that exceeded federal carbon monoxide standards were required to implement the program in 1992. Of these, 36 areas maintained the program through the winter months.

The U.S. Environmental Protection Agency (EPA) originally designated the following areas as nonattainment areas for exceeding federal CO standards:

Albuquerque, NM, Boston, MA, Colorado Springs, CO, El Paso, TX, Fresno, CA, Hartford, CT, Los Angeles, CA, Minneapolis, MN, New York/Northern NJ, Portland, OR, Reno, NV, San Francisco, CA, Stockton, CA.

Anchorage, AK, Chico, CA, Denver/Boulder, CO, Fairbanks, AK, Grants Pass, OR, Klamath County, OR, Medford, OR, Missoula, MT, Philadelphia, PA, Provo/Orem, UT, Sacramento, CA, Seattle, WA, Syracuse, NY.

Baltimore, MD, Cleveland, OH, Duluth, MN, Ft. Collins, CO, Greensboro, NC, Las Vegas, NV, Memphis, TN, Modesto, CA, Phoenix, AZ, Raleigh, NC, San Diego, CA, Spokane, WA, Washington, DC.

Any state that can demonstrate to the EPA that its program has achieved and maintained federal CO standards for two consecutive years and submits an acceptable 10-year maintenance plan can be redesignated as an attainment area.

When does the program go into effect?

Entering its second year, the program will be in effect Nov. 1, 1993 through Feb. 28, 1994 for most areas, although some areas began as early as Sept. 1, 1993.

By law, all designated nonattainment areas (i.e., areas not in compliance with the NAAQS for CO) were required to establish, implement and maintain programs by Nov. 1, 1992.

Future control periods must be maintained annually and may range from four to six months depending on the area.

Did the program successfully improve air quality last winter?

During the 1992-93 winter season, the EPA reported the incidence of poor air quality was reduced by 95 percent in the areas outside of California, which operated the program for the first time. California implemented a 2.0 percent oxygen-by-weight program and showed an 80 percent reduction in CO exceedances.

The program was overwhelmingly successful. Based on available data from the EPA, the program helped achieve a dramatic reduction in carbon monoxide pollution—providing health benefits to more than 70 million people.

All 20 states with participating programs recorded improvements in CO air quality last year. States that have been able to estimate the reduction levels of CO concentrations have found declines from 10 to 17 percent, attributable to oxygenated fuel use.

Nitrogen oxides (NO_X), sulfur oxides (SO_X) and particulate emissions were reduced by up to 15 percent.

Emissions of toxic compounds including benzene, a known carcinogen, were reduced by up to 18 percent.

Exhaust and evaporative emissions of hydrocarbons, which contribute to smog and ozone pollution, were reduced by 6 percent.

MTBE

QUESTIONS AND ANSWERS

What is MTBE?

Methyl tertiary butyl ether (MTBE) is an oxygenate, and additive used to add oxygen content and raise the octane rating of gasoline.

MTBE is an oxygenated hydrocarbon produced from isobutylene and methanol. Isobutylene is produced from crude oil or natural gas liquids. Methanol can be produced from any sources but is most commonly and economically derived from natural gas.

Why is the use of MTBE in gasoline beneficial?

Concentrations of MTBE in the range of 11 to 15 percent by volume raise the oxygen content of gasoline, allowing the fuel to burn more completely and effectively. This cleaner-burning fuel results in lower tailpipe emissions of several pollutants:

Carbon monoxide emissions are reduced by up to 20 percent.

Nitrogen oxides (NO_X), sulfur oxides (SO_X) and particulate emissions are reduced by up to 15 percent.

Exhaust and evaporative emissions of smog-producing hydrocarbons are reduced by up to 6 percent.

Emissions of toxic compounds including benzene, a known carcinogen, are reduced by up to 18 percent.

How long has MTBE been used?

MTBE was first used commercially in Europe in 1973.

U.S. oil refiners have used MTBE as an additive to replace lead and increase the octane value in gasoline since 1979.

MTBE has been most widely used in premium grade gasolines to improve octane ratings.

Since 1987, MTBE has been used successfully as part of oxygenated fuels programs to reduce carbon monoxide pollution in several cities, including Denver, Las Vegas and Phoenix.

Because of this success, MTBE was added to gasoline in major U.S. cities during the 1992-93 winter season as part of the Oxygenated Fuels Program, mandated by the 1990 Clean Air Act Amendments.

How safe is MTBE?

MTBE is safe for use in gasoline. However, inhaling any gasoline fumes should be avoided.

The results of more than 40 MTBE health-related studies conducted prior to its use in the oxygenated fuels program showed no adverse effects at exposure levels that are present in and around motor vehicles and gasoline service stations.

Prior to the 1992-93 winter oxygenated fuels program, the federal EPA directed a major study program testing the potential health effects of the expanded use of MTBE. Eleven independent studies conducted with laboratory animals examined the chronic effects of short- and long-term exposures at levels up to 8,000 parts per million—an exposure level that is 320,000 times greater than the average estimated human exposure levels. The EPA found no compelling evidence in the test results that MTBE vapors posed a health risk relative to gasoline vapors.

In January 1993, the EPA and the oxygenated fuels industry began a joint clinical study of the acute health effects of MTBE on the public. This study exposed healthy adults, ages 18-35, for one hour to 1.4-1.7 parts per million MTBE—a higher concentration level than would be experienced by most people during driving and refueling. Completed in July 1993, the research found no health effects from exposure to MTBE.

MTBE has been used by the medical profession for the treatment of gall bladder problems. MTBE is injected into patients with gallstones as part of this treatment. While some temporary side effects have been reported, there is no evidence of long-term health effects.

Will MTBE significantly affect gasoline prices?

EPA has estimated the incremental cost of oxygenated gasoline at approximately 3 to 5 cents per gallon.

Gasoline prices more often are affected by factors unrelated to MTBE and fuel composition, including world oil costs, regional supply and demand, and local competition.

Will these fuels significantly affect fuel economy?

MTBE does not significantly reduce gasoline fuel economy. Eighteen independent studies, using a total of 149 automobiles ranging from model year 1974 to 1992, have shown a 1 percent decrease in mileage on average with an average MTBE content of 13 percent by volume. Some studies have shown a slight improvement in mileage.

For the consumer who drives approximately 15,000 miles per year, reduced fuel economy due to the use of MTBE-blended gasoline reflects an average cost of less than $5 for the four-month duration of the program.

Other wintertime factors typically have a greater impact on decreasing fuel economy and can result in a 10 to 15 percent reduction when compared with the summer driving season.

Colder temperatures have the greater impact on fuel economy for most consumers during the winter driving season because of longer warm-ups, poorer driving conditions and a higher percentage of short trips.

Wintertime gasoline is higher in butane, a compound that improves cold-weather starting. Because of a lower energy density than other gasoline components, increased butane content in gasoline contributes to a decrease in fuel economy.

How does MTBE affect my car's engine?

Gasoline containing MTBE are designed for use in existing vehicles. Most U.S. and foreign automakers have approved the use of MTBE at levels up to 15 percent by volume.

Some auto manufacturers, such as General Motors and Chrysler, recommend the use of oxygenated fuels in their cars or light-duty trucks.

OXYGENATED FUELS IMPROVE AIR QUALITY

(Remarks of Richard D. Wilson, Director, Office of Mobile Sources, U.S. Environmental Protection Agency, presented before the 1993 World Conference on Clean Fuels & Air Quality)

"The research that we have today provides no basis to question the continued use of MTBE in the oxy-fuel program, or in gasoline generally."

The first major program under the Clean Air Act was implemented last winter: the Oxygenated Fuels Program. It was based on the program that was pioneered in the late 1980s in Denver, Phoenix, Las Vegas, Reno, Tucson and Albuquerque. The idea is that oxygenates add more oxygen to the fuel, leaning the air/fuel mixture, reducing tailpipe emissions, particularly the CO emissions.

The required 2.7% oxygen yields about a 15-20% reduction in tailpipe CO emissions.

The results of last winter's program are really impressive. Our first desire was to hope that the states adopted the necessary rules to get the program up and running. It was more complicated in many ways than a reformulated program, because this program was not a federal rule but required each state to adopt their own program. When we got the program up and running, not only did it run on time and without many problems, but dramatic reductions in carbon monoxide exceedances were achieved last winter.

For the 20 cities that had this program for the first time, there was a 95% reduction in CO exceedances. For all the programs, including many of the ones that had some oxygenated fuels before, there was an 80% reduction. The average cost was about 3-4 cents per gallon. This is a dramatic demonstration of how successful our Clean Air Act programs can be, and particularly a dramatic demonstration of how we can get quick, large reductions in air pollution through the use of cleaner fuels.

We did have one glitch occur, however. In Fairbanks, AK we had some consumer complaints about acute health effects (e.g. short-term headaches, watery eyes, nausea, dizziness). As a result of the concern that was raised in that regard, we put together a group with our research and development office, industry groups, and other governmental agencies to try and do some quick work on looking at whether or not these health effects were real. It resulted in a comprehensive program that included epidemiological studies, clinical exposure studies, ambient air analysis, fuel sample analysis, and vehicle testing. The final report is now being peer-reviewed, but I can give you a little bit of a perspective on how we see the results of the studies.

First of all, the human clinical studies that were done at relatively high concentrations of pure MTBE, they did not reveal any health symptoms, eye and nose irritation, or behavioral changes in healthy adults.

Epidemiological studies that we did in New Jersey also did not detect any differences in symptoms reported by workers, in this case people working at state garages in northern New Jersey where they had MTBE oxy-fuel, versus southern New Jersey without the MTBE oxy-fuel. The one study that reportedly shows an effect is the one done by the CDC in Fairbanks which indicated an increased reporting of symptoms while MTBE was being used there.

On the other hand, a follow-up epidemiological study of various workers in commuter sub-groups in Stamford, Connecticut that had MTBE fuel, and Albany, New York, that did not, did not reflect any significant differences between the symptoms reported in those two cities. Obviously there are some uncertainties remaining, and we will continue to do research in this area.

Conclusion: The research that we have today provides no basis to question the continued use of MTBE in the oxy-fuel program, or in gasoline generally.

EPA/OFA/API CONFERENCE ON MTBE—JULY 26-28, 1993

HEALTH TESTING SUMMARY

Exposure studies

Typical commuter/service station attendant exposures are below 1.0 ppm. Maximum average lifetime public exposure is 0.025 ppm.

Clinical studies

Two studies exposed 80 people to 1.5 ppm of MTBE for 1 hour with no sign of irritation or other health effects.

Epidemiology studies

Fairbanks, Alaska—Occurrence of symptoms, eye irritation, nausea etc, were found to correlate with MTBE exposure. However, effects of other factors, like CO and gasoline exposure, large price increases and extensive media coverage could not be distinguished, thus making the results very unclear.

Stamford, Conn—Workers with the highest exposure to MTBE had somewhat more key symptoms. Because these exposures correlate with other gasoline compounds further study is needed to provide clarification.

New Jersey—Similar groups of workers with and without exposure to MTBE were studied. No differences in reported symptoms could be found, leading to the conclusion that factors other than MTBE are likely responsible for health effects.

Long-term animal studies

Results from 11 new studies, exposing animals at up to 8,000 ppm MTBE, were used by EPA to increase the reference concentrate level for MTBE six-fold. This level represents the lifetime tolerance for exposure which would not result in adverse health effects. The revised reference concentration value for MTBE is 0.8 ppm, or about 40 times greater than the typical exposure during an oxy-fuels season.

Studies into the carcinogenic potential of MTBE were inconclusive. While no health risks were found, further research is needed to ensure adverse findings in laboratory animals are not related to people.

MTBE UPDATE: SUMMARY—IMPROVED AIR QUALITY IN 1992-93/ADDRESSING CONCERNS

Background

MTBE has been used by refiners to replace lead and increase the octane value of gasoline since 1979.

MTBE has been shown to reduce levels of CO in the air by an average of 15%.

MTBE, along with ethanol, has been used to reduce CO pollution since 1987 in cities like Denver, Las Vegas, and Phoenix—at levels up to 15% by volume.

Air Quality

During the '92-'93 winter season, MTBE (methyl tertiary butyl ether) was added to gasoline in major American cities as part of the 1990 Clean Act Oxygenated Fuels Program. The purpose of this program was to reduce the concentrations of carbon monoxide (CO) to within levels allowable by National Ambient Air Quality Standards.

Based on data available from the U.S. Environmental Protection Agency (EPA) through January, this program was overwhelmingly successful. It reduced the incidence of poor air quality in new program areas by 95% and provided health benefits to more than 70 million people.

MTBE use in gasoline can also reduce emission of NOx, SOx, particulates and toxic compounds like benzene.

Health Effects/Concens

Some people have experienced headaches or dizziness which they have attributed to a distinctive odor associated with the use of MTBE in gasoline. More than 40 scientific laboratory studies conducted since 1969 indicate that there should be no harmful effects from MTBE at these levels.

Additional studies, conducted since the introduction of oxy-fuels, show MTBE use in gasoline to have a wide margin of safety for the public.

Fuel Economy

Tests have shown there is a penalty on fuel economy, in miles per gallon, of one to three percent. The drop in fuel economy that accompanies wintertime fuels and driving conditions is typically much greater.

Cost Effectiveness

The use of MTBE for the oxygenated fuels program has been estimated by the U.S. EPA to cost refiners 3-5 cents per gallon.

The price of gasoline is affected by many factors besides fuel composition, including world oil costs, regional supply and demand, and local competition.

The cost of oxygenated fuels is lower than other methods for reducing CO pollution, including enhanced inspection and maintenance programs or transportation control measures.

MTBE UPDATE: HEALTH TESTING

Background

MTBE has been used as part of an oxygenated fuels program in several cities since 1987. Its widespread use in oxygenated fuels during the 1993 winter season has been the subject of consumer concerns, including complaints of a distinct odor and scattered reports of headaches and nausea.

Testing history

Prior to the 1992-93 winter oxygenated fuels program, a major testing effort to investigate potential health effects from the expanded use of MTBE was conducted at the direction of the U.S. Environmental Protection Agency. This program involved 11 separate studies, including short-term and long-term exposures with laboratory animals at levels up to 8,000 parts per million. These levels are ten to hundreds of thousands of times greater than exposure levels during refueling and driving cars.

The results of these studies, which began in 1987, as well as numerous other studies dating back to 1969, did not show any adverse effects at levels that are present in and around motor vehicles and service stations.

Newest results

A multi-million dollar government and industry research effort was initiated in response to concerns raised during the winter of '92-'93. These findings support earlier work which did not show any adverse effects.

These latest studies measured the actual levels of MTBE workers and consumers were exposed to in oxy-fuels areas. Clinical studies with human volunteers were conducted, exposing people to levels many times the average values found in the exposure surveys. After 1 hour of exposure no signs of irritation could be found.

Surveys of workers in New Jersey, Alaska and Connecticut were also conducted. The results could find no difference in exposure effects from MTBE except in Alaska, were frequent news reports and price increases 3-4 times the national average for oxy-fuels were cited by scientists as factors which further confuse the results.

MTBE UPDATE: ENVIRONMENTAL AND HEALTH BENEFITS

Oxygenates, like MTBE, have been used as part of air quality improvement programs

since 1987. Oxygenated fuels provide improvements in air quality which benefit the people living and working in participating cities. New programs during the winter of '92–'93 reduced the incidence of poor air quality days by 95%. Oxygenated fuels this past winter benefited the health of more than 70 million people in the following ways:

Concentrations of carbon monoxide in the air we breathe were reduced by an average of 15%, due in part to MTBE.

Carbon Monoxide can impair brain function and in low concentrations is a threat to people with heart disease and to pregnant women.

The use of MTBE helps reduce the levels of other harmful compounds in gasoline, like benzene and sulfur, leading to a cleaner, safer fuel.

Emissions of the criteria pollutants, NO_x, SO_x and particulates, are reduced by up to 15%.

Emissions of hydrocarbons from vehicle exhaust and refueling are reduced by 6 percent.

Emissions of toxic compounds, like benzene, are reduced 18%.

Severity of refinery operations used to make high-octane components are reduced, leading to less energy use and less pollution.

MTBE UPDATE: FUEL ECONOMY

Oxygen content

MTBE has been used by refiners to replace lead and increase the octane value of gasoline since 1979. The energy content of MTBE is somewhat less than the non-oxygenated components of gasoline. This is a direct result of MTBE's oxygen content. However, oxygenates are only one of several factors contributing to the normal decline in wintertime fuel economy.

Fuel efficiency

The addition of MTBE to gasoline does have a slight impact on fuel economy. Studies by automobile manufacturers, gasoline marketers, oxygenate producers and state and federal agencies have shown this impact to be about 1–3%.

Seasonal factors

Wintertime gasoline is higher in butane, a compound added to improve cold weather starting. Butane, like MTBE, is lower in energy content than gasoline, and its use in winter blends leads to a drop in fuel economy. Other factors, like colder weather, longer warmups and poor driving conditions, also lead to reduced fuel economy for most consumers during the winter driving season. These factors together account for as much as a 10–15% drop in fuel economy from summer conditions.

Year-to-year comparisons

Studies of total gasoline consumption in areas with oxygenated fuels programs has shown no significant changes from the previous year. Comparisons of the effect on fuel consumption from using oxygenates fuels must be made on a year-to-year basis to account for seasonal variations.

Consumer costs

The drop in fuel economy associated with oxygenated fuels represents a small cost of the average consumer. For the average consumer, who drives about 15,000 miles per year, this cost is less than $5 for the typical 4 month program period.

[From C & EN Sept. 20, 1993]

HEALTH STUDIES INDICATE MTBE IS SAFE GASOLINE ADDITIVE—ALASKAN HEALTH COMPLAINTS LAST WINTER SPURRED HASTILY ORGANIZED TEST PROGRAM, BUT OFFICIAL WORD ON ADDITIVE'S SAFETY STILL AWAITED

(By Earl V. Anderson)

The complaints started in Fairbanks, Alaska, early last winter and jumped to Anchorage. Then they popped up in scattered spots around the lower 48 states.

Headaches, dizziness, irritated eyes, and nausea were the usual ailments. The suspected culprit: methyl tert-butyl ether (MTBE), by far the largest-volume oxygenate used in oxygenated gasoline.

Initial reports of the complaints, along with scare headlines in newspapers, sent shivers down the spines of MTBE producers and oil companies. And they gave the Environmental Protection Agency (EPA) a headache to match the ones that some Alaskans said they were getting from MTBE-blended gasoline.

Certainly the uproar took producers by surprise. MTBE has been used in premium gasoline as an octane enhancer since 1979 without any major complaints. And several cities, including Denver since 1988, have been using MTBE in oxygenated fuels programs of their own with no problems.

The reports are EPA's headache because it is the agency that oversees the oxygenated fuels program, a major weapon in the fight against polluted air. The program, part of the 1990 Clean Air Act amendments, requires areas that do not meet federal carbon monoxide standards to use oxygenated fuels during the winter months when carbon monoxide levels are the highest. Gasoline in these areas must contain at least 2.7% oxygen by weight and the areas must use it for at least four months (November through February). Adding oxygenates such as MTBE, other eithers, or ethanol to gasoline provides the required oxygen. The 2.7% oxygen requires 15% by volume of MTBE in gasoline.

Last year, the oxygenated fuels program's first, 39 metropolitan areas including Fairbanks and Anchorage had to use oxygenated fuel. The program got its baptism by fire only last November.

The complaints in Alaska surfaced almost immediately. Alaskan state and city governments introduced resolutions calling for an end to the program. By December, Alaska Gov. Walter J. Hickel suspended the oxygenated fuels program in Fairbanks, where most of the complaints arose, even though the program still had months to run. In Washington, D.C., Rep. Don Young (R.-Alaska) introduced a bill that would give EPA the authority to grant Alaska a waiver from the program.

Environmental groups, which support the oxygenated fuels program, have been uncharacteristically quiet about the MTBE health issue. David D. Doniger, until recently senior attorney for the Natural Resources Defense Council, says only that NRDC supports the oxygenated fuels program because it reduces carbon monoxide pollution. And Phyllis Salowe-Kaye, director of the New Jersey Citizen Action, says that Citizen Action, too, will continue to support the use of oxygenates in gasoline.

After a few scattered complaints in the lower 48 states followed hard on the heels of those in Alaska, the potential for serious problems became all too obvious. MTBE, the premier oxygenate used in the oxygenated fuels program, was tainted with suspicions. Without MTBE, the program itself could be in jeopardy. Other oxygenates are available, such as ethyl tert-butyl ether (ETBE), tert-amylmethyl ether (TAME), diisopropyl ether (DIPE), and ethanol; but there's not enough capacity for these products. Last year, about 1.8 billion gal of MTBE went into gasoline, almost 50% more than in 1991. In 1995, when the reformulated gasoline program to combat ozone depletion starts up, even more oxygenates will be needed.

At stake for MTBE producers are billions of dollars invested in plants already in operation or planned. If MTBE were ever proven to be a health threat, or even banned, those investment dollars would be in jeopardy. Refiners have had to at least start considering the complicated and expensive logistics involved in switching to other oxygenates if it becomes necessary.

Well aware of the potential consequences, in early 1993 EPA called in various industry trade groups such as the American Petroleum Institute (API) and the Oxygenated Fuels Association (OFA) to start planning an extensive test program to investigate the validity of the health claims. The testing was parceled out to various government and private laboratories. Trade associations and even companies funded many of the projects. But EPA orchestrated the entire test program.

In late July, EPA assembled most of the participants at a hastily convened conference in Falls Church, VA, to discuss the results of this research. The speakers had no time to prepare papers; they spoke off-the-cuff, most of them only with the help of slides.

The proceedings still haven't been published and may not be for some time. Opinions about what was presented at the conference aren't unanimous by a long shot. But many experts—in and out of industry—believe that the scientific data presented went a long way toward restoring MTBE's tarnished reputation.

A little tarnish may still remain, however. When complaints first started in Fairbanks in November, the Centers for Disease Control & Prevention (CDC) was one of the first agencies on the scene. In December, it studied 18 people who routinely spend a lot of time around cars. CDC measured MTBE levels in their blood, how much MTBE they were exposed to, and what symptoms of illnesses they experienced.

CDC has not specifically come out and said that MTBE is harmful. However, in a recent letter to the Alaska Department of Environmental Conservation, Ruth Etzel, chief of CDC's department of health and human services, summarized the results of CDC's research. Basically, CDC found that people in Fairbanks with high MTBE levels in their blood tended to complain more about such things as headaches and nausea. It later did a similar study in Stamford, CT, and found the same relationship between blood levels and symptoms. "The consistency between the two study sites adds strength to these findings," Etzel writes.

CDC hasn't tagged MTBE as the culprit in Alaska's oxygenated fuels season last year. It does say, however, that questions about MTBE's safety remain until it is more fully evaluated.

More than a few MTBE supporters have criticized CDC's Alaskan study. They point out that it fails to mention other materials found in the air and blood; for instance, benzene, which can trigger similar symptoms and is a known carcinogen. And there is no baseline for comparison.

At the Falls Church meeting, however, MTBE advocates had to be happy with most of what they heard, including a report on studies of MTBE's health effects on animals initiated years before the complaints started piling up in Alaska.

With a 1987 test rule negotiated under the Toxic Substances Control Act, a task force of MTBE producers started a $3.5 million series of studies on animals to determine MTBE's potential chronic health effects. The studies, which began in 1988, were coordinated by OFA, but the Synthetic Organic Chemical Manufacturers Association (SOCMA) performed some of the work for OFA.

OFA exposed animals to very high levels of MTBE to check the oxygenate's toxilogical potential. The inhalation tests included single exposures, repeated daily exposures and lifetime exposures.

About the worst to come out of these studies is that the animals experienced drowsiness and lack of motor coordination. But they recovered completely in a very short time, even at extremely high levels. This reaction is consistent with data from metabolism studies. In these studies, MTBE absorbed into the body is rapidly converted to *tert*-butyl alcohol, which is safely eliminated from the body in urine.

Last year, OFA completed two lifetime exposure studies on animals to test for carcinogenicity and chronic effects. Rats and mice were exposed to 8000 ppm, 3000 ppm, and 400 ppm MTBE for 6 hours per day, 5 days per week for 24 months (rats) or 18 months (mice).

Researchers found an increased incidence of benign tumors in the livers of female mice at 8000 ppm. In rats, there was an increase in renal tubular cell tumors. But these occurred only in male rats and at 3000 ppm and 8000 ppm.

Larry Andrews, manager of toxics and regulatory affairs for Arco Chemical and head of the MTBE health task force, points out that, in toxicology studies, researchers use extremely high doses purposely to induce some effects in animals. And, he adds, the tumors seem to occur by mechanisms that aren't relevant to humans.

"These tests show that MTBE is not very toxic," says Andrews. In fact, he adds, there is a "large margin of safety."

Based on some of these chronic (long-term) exposure studies with animals, EPA reported at the Falls Church meeting that it had raised what it calls its inhalation "reference concentration (RfC)" for MTBE. Inhalation RfC is the airborne concentration that can be inhaled over a lifetime by people, including chemically sensitive people, without posing any appreciable health hazard. EPA increased the RfC level to 3.0 mg per cubic meter, a sixfold increase. One medical expert says this implies that EPA is even more certain than before that MTBE poses "minimal" health risks.

The Environmental & Occupational Health Sciences Institute (EOHSI), a cooperative venture of Rutgers University and Robert Wood Johnson Medical School, Piscataway, NJ., conducted an epidemiologic study this year. This one, however, was in New Jersey to determine if MTBE plays any role in symptoms that state garage workers have reported. EOHSI surveyed 237 garage workers in state agencies, primarily mechanics, mechanics helpers, and refuelers. The self-reported symptoms included headaches, nausea, coughing, lightheadedness, and eye irritation—very similar to the ones that first surfaced in Alaska.

The beauty of this EOHSI study is that the institute was able to compare workers in northern New Jersey, where oxygenated fuels were being used at the time of the study, with their counterparts in southern New Jersey, which does not use oxygenated fuels.

The results are particularly compelling, says OFA executive director John Murray. There were absolutely no differences in the responses given by southern and northern New Jersey workers. "(EOHSI) couldn't find any differences in symptoms or complaints, even though they tried hard to do so," he says.

Sandra Mohr concurs. An assistant professor at the Robert Wood Johnson Medical School, Mohr says the northern, high-exposure workers didn't report symptoms any more often than did the southern, low-exposure workers. "No untoward health effects were found in this cohort of 237 reasonably healthy working individuals," says Mohr.

Raymond A. Lewis, president of the American Methanol Institute, says the only thing wrong with MTBE is that it makes gasoline smell differently. Ethers, of course, have a distinctive odor—one that the typical motorist is not familiar with. But not much is known about how either adding an ether such as MTBE to gasoline may affect the characteristic odor of gasoline, or how motorists filling up at the pump may react psychologically to differences in odor.

To find some answers, earlier this year API and Arco Chemical commissioned an environmental consulting firm, TRC Environmental, Windsor, Conn, to determine odor threshold levels for gasoline, MTBE, other oxygenates, and gasoline-oxygenate blends. Not surprisingly, MTBE-gasoline blends have lower odor threshold levels than gasoline alone. In other words, people notice the odor of gasoline quicker when MTBE is in it.

For instance, the odor detection threshold for a reference gasoline is 0.58 ppm in air. For a blend of 15% MTBE in gasoline, it is only 0.26 ppm. An odor detection threshold is the level at which someone first becomes aware that there is an odor.

Odor recognition thresholds, on the other hand, are levels at which someone can recognize and describe a definite odor characteristic. In these studies, the odor recognition threshold was 0.80 ppm for the reference gasoline, but only 0.69 ppm for the 15% MTBE blend.

Despite the fact that the concentrations are low (a safe level of gasoline in the air is about 100 ppm), the tests indicate what everyone intuitively suspected—that motorists at a filling station will smell the blend easier and quicker than they will smell straight gasoline. Although it's difficult, if not impossible, to correlate the number of health complaints with the ability to smell MTBE, there's at least the suspicion among some observers that, psychologically, people may associate an unknown or unfamiliar smell with a sense of illness. Gerhard K. (Gerry) Raabe, director of epidemiology and medical information services for Mobil Oil, says, "When people get a whiff of something different, it sets them to thinking."

Researchers at EPA and Yale University used the numbers developed in the odor recognition threshold study as guides for two studies in which humans were exposed to MTBE and control substances in a chamber. Timothy Gerrity, chief of the clinical research branch in EPA's office of research and development at Research Triangle Park, N.C., says that even though CDC's epidemiologic studies in Alaska suggest a possible association between MTBE exposure and symptomatic responses, there were no data that could demonstrate a "direct causal relationship" between the two.

To help resolve the issue, EPA studied the sensory, symptomatic, cellular, and ocular responses of healthy humans exposed to MTBE in a controlled exposure chamber at 24°C. Researchers at Yale conducted a similar chamber study, funded by OFA and Arco Chemical, at its John B. Pierce Laboratory.

At Yale, William S. Cain, a fellow at the Pierce Laboratory, directed a group of researchers in a chamber study to see how exposing humans to 1.7 ppm MTBE for one hour would affect their selected behavioral and physiological reactions. They also exposed the 43 subjects to air and to a mixture of volatile organic compounds as controls. The chamber temperature was 24 °C.

Essentially, Yale researchers could detect no differences in how their subjects reacted when they were exposed to MTBE, to gasoline, or to air. Says Cain, "We conclude that one-hour exposures to levels of MTBE up to 1.7 ppm will, aside from odor, induce no reactions in normal, healthy young people." The participants ranged from 18 to 34 years old.

The EPA chamber study at Research Triangle Park was basically the same as the Yale study. The results were also similar, says Mary Smith, director of EPA's field operations and support division. The only differences were that Research Triangle Park researchers used air as its only control, their MTBE concentrations were 1.4 ppm instead of 1.7 ppm, and they used only 37 test subjects.

The results were, indeed, conclusively similar. EPA researchers found that the MTBE caused no increase in symptoms such as headaches, nasal irritation, coughing, or eye irritation, says Gerrity. Nor did exposure to MTBE have any effect on psychological performance or mood. In short, he says, MTBE at 1.4 ppm and room temperature doesn't trigger symptomatic responses from healthy individuals.

For MTBE producers, refiners, and EPA alike, these results were encouraging. The data are convincing, says Raabe, because humans were exposed for one hour, compared with the four minutes of exposure it usually takes for a refill of gasoline at the pump.

A corollary to these human exposure studies is a survey that EOSHI conducted among patient groups with unusual sensitivities to chemicals. EOSHI also surveyed New Jersey residents who registered complaints with the state's Department of Environmental Protection & Energy. It compared responses of 13 multiple chemical sensitivity (MCS) patients and five chronic fatigue subjects (CFS) with six normal control subjects.

As most MTBE observers would have expected, individuals with multiple physical complaints, including MCS and CFS patients, tended to report more MTBE symptoms than normal control subjects, even more than gas pump attendants who work with gasoline regularly. Apparently, chemically sensitive individuals or those who are ill may tend to become more symptomatic with MTBE. But, cautions EOSHI's Nancy Fiedler, an assistant professor at the Robert Wood Johnson Medical School, the symptoms may not even be associated with MTBE, but merely reflect the overall health of these individuals.

Because of the small number of people studied, the conclusions must be considered tentative, says Fiedler. Nevertheless, the study adds one more element to the pile of evidence that seems to dismiss MTBE as the cause of many health complaints.

In addition to farming out some of the tests, API made some surveys on its own earlier this year. A particularly revealing one was an occupational exposure study, designed to determine the amount of exposure for MTBE employees who work with the material in the MTBE and fuels industries. The bottom line: not much, even among those who work regularly with MTBE.

Jack Hinton, industrial hygiene manager for Texaco, who directed the study, says the data typify industry operations in all five of the steps required to bring MTBE to market. These include:

Manufacturing—producing MTBE at both chemical plants and refineries.

Blending—blending MTBE into gasoline, which includes handling both neat (100%) MTBE and blended MTBE fuels.

Transportation—moving MTBE or MTBE-blended fuels by barge, tanker, railcar, truck, or pipeline to their distribution points.

Distribution—storing MTBE at and moving it from distribution terminals to service stations.

Service stations—storing and dispensing MTBE-blended fuels to motorists.

The 2038 exposure measurements the study uncovered span an 11-year period and represent all the major producers and users of MTBE. Most of the data (92%) are post-1990, with 50% of the data collected during the winter months, when oxygenated fuels normally would be used. The 1992-93 oxygenated fuel season accounts for 45% of the data.

According to Hinton, exposures to more than 100 ppm of MTBE during a normal six- to nine-hour workshift (time-weighted average) happen only infrequently and generally only when workers are performing nonroutine tasks. The same is true of short-term tasks (less than 30 minutes), when exposures may reach 300 ppm.

Among production workers, personal exposures are less than 10 ppm in both routine and maintenance operations. A quality control laboratory reported one single exposure of 249 ppm while bottles were being washed. But it was an unusual situation, says Hinton. The automated bottle—washing equipment usually is fitted with exhaust ventilation. This time it wasn't.

Personal exposures in blending operations are less than 100 ppm, but numbers of less than 10 ppm dominate the data. In the transportation sectors, the usual levels are less than 2 ppm for short-term activities associated with mixed fuel and less than 10 ppm for similar operations with neat MTBE. Distribution workers generally encounter exposures of less than 1 ppm of MTBE, whereas service station attendants experience exposures of less than 3 ppm. These service station levels, says Hinton, usually only crop up when workers are repairing vehicles or dispensing pumps.

In addition, other on-site exposure studies were made at service stations to check MTBE concentrations in air. After the initial health complaints started surfacing in Alaska, EPA began planning its series of clinical research studies to investigate the validity of the claims. To design the studies, EPA needed estimates of typical concentrations of MTBE in air that motorists and service station attendants may experience during refueling.

To get the data, API funded a field study to measure ambient MTBE concentrations at 10 service stations in the New York metropolitan area. The study, carried out by a consulting company, International Technology Corp. (IT), Durham, N.C., included both full-service and self-service stations as well as stations with and without advanced vapor recovery systems.

The results are hardly surprising. The mean and maximum four-hour MTBE concentrations in air were highest in the "breathing zone," where attendants or customers actually pump gasoline into the cars. They were lower at the pump island itself and lower still at the perimeter of the service station. This means, says Ted Johnson, IT office manager, that refueling activities are the principal source of MTBE in air at service stations.

More important are the actual MTBE levels that the company detected. Mean MTBE concentrations measured during four-hour periods were below 1 ppm at the breathing zone and pump islands and below 0.02 ppm at station perimeters. Even the maximum four-hour concentrations are below 2.6 ppm at the breathing zone and pump islands, and below 0.2 ppm at the perimeters.

Johnson says that measurements may underestimate breathing zone measurements by a factor of up to three. But even allowing for this, the numbers mean that the average driver encounters very low concentrations of MTBE, even in the breathing zone, while he or she is refueling. And considering that the average fillup takes only four minutes or less—not four hours as in the field tests, driver exposure to MTBE is very low.

It's impossible, however, to compare these data to exposure levels in Alaska during its abbreviated oxygenated fuels season. The reason is that data on Alaskan exposure studies aren't available. CDC did have some exposure data but they don't correlate well with what actually happens at a service station.

EOSHI took the exposure studies one step further. It launched an API-sponsored study to find out what happens inside the car during refueling and during typical suburban commutes in the New York metropolitan area. This study focused on Fairfield County in Connecticut, Westchester County in New York, and Middlesex County in New Jersey. Like IT's study, this one covered the ballpark of service stations—self- and full-service, with and without advanced vapor recovery systems, as well as a mix of new and older cars.

To OFA's Murray, the study shows that MTBE has no adverse effects on commuters—either while they are refueling or while they are driving the car. The numbers bear him out.

The highest MTBE levels occurred during refueling, says P.J. Lioy, director of EOSHI's exposure measurement and assessment division. But those levels measured out in parts per billion, not million. During refueling, they ranged from 13 ppb to 4100 ppb. Inside the car, MTBE concentrations were even less during refueling. And, during a typical one-hour commute, the geometric mean concentration inside the car was only 8.2 ppb, with a range of 1.2 ppb to 160 ppb.

API also ran a questionnaire survey to find out if member companies were receiving many health complaints related to MTBE from their own workers. It didn't find many.

The 16 companies that responded reported 61 occupational complaints and nine consumer complaints. Most retail service stations are independently owned, and those owners do not have to maintain records of health complaints, which may explain the small number of consumer complaints. Because of the small number of complaints from consumers, API focused only on those from workers.

API sent its questionnaires to 18 U.S. refiners, which account for more than 60% of the gasoline used in the U.S. and an appreciably higher percentage of the fuels used in the oxygenated fuels program. Most of the complaints involved headaches, dizziness, and nausea. But there isn't any correlation between the number of complaints and a worker's exposure to MTBE.

"The study generated some interesting data," says Raabe. For instance, more than 70% of employee complaints came from California, New Jersey, and Pennsylvania. Raabe says it's only possible to speculate about the reasons. But he notes that the media in New Jersey and Pennsylvania gave the MTBE health issue heavy coverage, whereas California accounts for a significant percentage of gasoline consumption in the U.S.

The survey recorded worker complaints from 1984 to 1992, as well as complaints registered this year (through July 9). Over the nine-year period, more than 70% of the complaints surfaced in 1992. Prior to 1992, there were no more than five health-related MTBE complaints in any one year. In several years, there were none. And the amount of MTBE produced in 1992 was not significantly higher than in the 1989-91 time frame.

"What happened in 1992," Raabe asks, "that didn't happen in the previous few years?" The answer, of course, is the start of the oxygenated fuels program and the first reports of health complaints in Alaska. Says Raabe: "The number of [worker] complaints probably correlates better with the number of bad press articles that it does with the amount of MTBE produced or used in gasoline."

Another puzzle crops up when API analyzed the complaints by month. A significant majority of the complaints occurred in October and November—the start of the oxygenated fuels season. Raabe thinks that this is unusual for workers in the industry. Production and transportation workers would have been more exposed to MTBE months earlier than that, as they built up inventories for the start of the oxygenated fuels program. This suggests that factors other than actual MTBE exposure may have influenced the complaint rate, says Raabe.

In still another survey, API polled the states to determine how many complaints about adverse health effects they had received from consumers. It checked with state petroleum councils and state offices of health, environment, or transportation, which were most likely to receive such complaints.

API received responses from 14 of the 16 states it queried. Although some states received hundreds and, in one state, thousands of calls about the oxygenated fuels program, only one state received more than a few health complaints. That state, not surprisingly, was Alaska.

Of the 349 complaints about MTBE registered in Alaska, 100 were health related. The next largest number of health complaints—15—came in Montana.

The weak spot in these data is that some states may do a better job of recording complaints than others. Nevertheless, says Raabe, the study indicates that something is going on in Alaska that isn't going on in the lower 48 states. And there is nothing in the study to connect the health complaints to MTBE.

The results of all of the test programs launched since the Alaska incident has generated a huge sigh of relief in the MTBE and refining industries. Industry experts are unabashedly upbeat. The overwhelming consensus: MTBE has been given a clean bill of health—literally.

Lewis of the American Methanol Institute says that MTBE came out of the Falls Church meeting far better than some other components in gasoline. MTBE, says Lewis, isn't bad, it just smells different.

Bill Whitley, oxygenates business manager for Arco Chemical, says that what came out of the Falls Church symposium was very reassuring. "The consistency of the data from the toxicity work on lab animals, the human exposure studies, and the 'real world' studies involving consumers and the workplace give us a much higher level of confidence than we already had."

Mobil's Raabe says the weight of all the data is going in one direction—that MTBE is safe. "There's no magic bullet by itself," he adds, "it's the weight of the combined evidence."

As convincing as the test results may be, so far neither EPA Administrator Carol M. Browner nor anyone else at EPA's Washington, D.C., headquarters has revealed what EPA thinks about them. At press time, EPA was still trying to pull the data together.

Nevertheless, a statement released by EPA's Region 10 office last month may hint which way the agency is leaning. Referring to the test results unveiled at Falls Church, Jim McCormick, director of the air and toxics division, says that "the latest findings support the congressional mandate" to use oxygenated fuels to reduce carbon monoxide emissions. McCormick notes that EPA is still reviewing what he calls "the encouraging results." But "in my judgment, MTBE gasoline remains, on balance, a safe, effective, and relatively inexpensive solution."

In addition to Idaho, Oregon, and Washington, EPA's Region 10 includes Alaska, where the problem started. And where the problem still remains.

The results of the massive test program may indeed be encouraging, but they do not do one thing. They don't put a scientific finger on what actually happened in Alaska during its abbreviated oxygenated fuels season. All of the tests were run under temperate conditions. That doesn't help explain what happens at the frigid temperatures Alaskans endure in the winter. It's not unusual for the temperature in Fairbanks to hit −60 °F.

Nor is it unusual for someone to make the point that the bevy of complaints in Alaska may have been inspired by the flood of adverse publicity about MTBE. Or that the complaints suddenly materialized at the start of the oxygenated fuels program, when the price of gasoline rose about 15 cents a gallon. Several cities in the lower 48 have had oxygenated fuels programs for years. Complaints were common during the first year, but virtually disappeared later.

Such observations don't sit well with Sen. Ted Stevens (R.-Alaska). "When you can live at 45 and 50 degrees below [zero] and carry on your normal life-style, people are not normally complainers," he says.

Until researchers are able to prove MTBE safe at sub-arctic temperatures, it will be difficult to get many Alaskans to embrace MTBE. But conducting studies at sub-artic temperatures isn't easy to do because there aren't many labs that can go down that low. EPA's own lab at Research Triangle Park, for instance, can only go down to 0 °F. It's now being rigged to go to −20 °F.

Conditions in Alaska may be so much different from the lower 48 states that Alaska may have to have its own set of regulations, says OFA's Murray. That, of course, is Browner's call, but something along those lines could happen.

Two weeks ago, EPA received word from Alaska that the state would suspend the oxygenated fuel regulations again this year. Alaska told EPA that, once a joint decision is reached between the agency and the state, the state would give refiners 75 days' notice to get MTBE back into the distribution system. "These are Alaska's actions, not ours," says EPA's Smith.

Decisions will have to be made fast. The 1993-94 oxygenated fuels season is little more than a month away. EPA still is evaluating the test data discussed at Falls Church.

But, unless something startling happens, the oxygenated fuels program probably will go on in the lower 48 states as it did last year. The program has been successful. EPA says that oxygenated gasoline reduces carbon monoxide emissions 15 to 20%. The only difference may be that some cities that had to use oxygenated fuel last year may not have to this year because they have met carbon monoxide standards. Other cities that are not meeting the standards may be added to the program.

MTBE probably will be supplying most of the oxygen for the fuel. Alaska is a small market, so the big question is what impact the scare headlines may have had on consumers in the lower 48 states. MTBE marketers believe that it is slight to none. Besides, there's not enough of the other oxygenates available to satisfy demand. And these oxygenates haven't had nearly the amount of testing the MTBE has had "What's been done for MTBE was well beyond what's normally done for most chemicals," says Smith.

To Mobil's Raabe, the moral that came out of the Falls Church meeting was that "good science" won. And, he adds, "it was one of the best focused examples of coordinated R&D that I can remember."

UNIVERSITY OF WASHINGTON CORRESPONDENCE, DEPARTMENT OF ENVIRONMENTAL HEALTH.

February 5, 1993.

To: Mary Ellen Gordian, M.D.
From: Harvey Checkoway, Ph.D.
Subject: Oxyfuels Studies.

I have read through the material that you sent me regarding the symptom surveys in Fairbanks and Anchorage. Here are my comments.

Apparently, the Anchorage study was intended to have the same design and methods as the preceding study in Fairbanks. Therefore, both have similar strengths and weaknesses. Unfortunately, there is little to praise in either study.

The Fairbanks study had a small study size, asked subjects potentially leading questions about symptoms, and provided no information about how subjects were selected or whether there may have been important confounding factors, such as prior history of respiratory disease or smoking, that distorted the findings. The choice of university students as a reference group is inadequate because their age, socio-demographic, and lifestyle distributions probably differ from the other groups. Most significantly, there is no baseline information on what symptom prevalence rates were *before* the introduction of oxyfuels. It is thus impossible to rule out the influence of perception of damage to health on the findings.

The Anchorage study had all of these problems, and also suffered from the absence of any presumably low exposed reference group.

On balance, there appears to be a relatively high prevalence of symptoms of acute irritation in both cities, at least among the small sample studied. However, at most, there is only very tenuous scientific support for a causal connection between oxyfuels and these symptoms. This seems to me to be a very poor basis for discontinuing the use of oxyfuels.

I hope that these comments are clear and of use to you.

DEPARTMENT OF HEALTH & HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC),

Atlanta, GA, September 23, 1993.

Hon. HENRY WAXMAN,
Chairman, Subcommittee on Health and the Environment, House of Representatives, Washington, DC.

DEAR MR. WAXMAN: In response to your letter of September 22, regarding the work of the Centers for Control and Prevention (CDC) on methyl tertiary butyl ether (MTBE), I am providing the following responses to your questions.

1. Are there health benefits associated with the addition of MTBE to gasoline in carbon monoxide (CO) nonattainment areas?

The issue of health benefits gained by adding MTBE to gasoline in order to lower carbon monoxide (CO) has been addressed by the U.S. Environmental Protection Agency. CDC studies do not specifically address this issue. Health benefits are based on EPA models which predict that lowering ambient CO levels will in turn lower human exposure to CO; significantly elevated CO levels have been shown to be related to adverse health outcomes such as angina, in high-risk populations. The degree of health benefit to be gained by adding MTBE to gasoline in any particular area would be proportional to the degree of the CO problem (number and degree of CO exceedances) and the expected reduction in the CO level, which may differ in arctic areas.

2. Have CDC studies demonstrated an adverse health effect associated with the use of MTBE in gasoline in carbon monoxide nonattainment areas?

CDC has conducted preliminary exposure surveys assessing the relationship between acute health complaints (such as headache, nausea, and eye and throat irritation) and exposure to MTBE in gasoline in Fairbanks, Alaska, and Stamford, Connecticut. Both of these areas are CO nonattainment areas. Results in both sites suggested a possible relationship between blood MTBE levels and health complaints. These health complaints are transient. Because these were small pilot studies, they are not definitive, and a cause and effect relationship between MTBE and the experience of these health complaints cannot be concluded. The studies clearly suggest that the issue should be investigated further. The possibility of long term health effects has not been investigated.

3. Have CDC studies demonstrated or suggested that an overall public health benefit would be produced if MTBE were to be removed from gasoline in carbon monoxide nonattainment areas?

The overall public health impact of the removal of MTBE from gasoline in carbon monoxide nonattainment areas needs to be interpreted within the larger context of the public health risks and benefits of MTBE use. This would include analyses of its effects on levels of other hazardous components of gasoline and motor vehicle exhaust such as CO, benzene, 1,3-butadiene, and formaldehyde.

Because of the unique arctic climate in Fairbanks, Alaska, which likely affects many of the factors influencing the overall public health impact of MTBE use, results in

Fairbanks may not be applicable to other carbon monoxide nonattainment areas.

Sincerely,

WALTER R. DOWDLE, Ph.D.,
Acting Director.

REMOVAL OF INJUNCTION OF SECRECY

Pursuant to an order of the Senate of November 19, 1993, the injunction of secrecy was removed from the Chemical Weapons Convention (Treaty Document No. 103–21), transmitted to the Senate by the President today; and the treaty considered as having been read the first time; referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and ordered that the President's message be printed in the RECORD.

The President's message follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (the "Chemical Weapons Convention" or CWC). The Convention includes the following documents, which are integral parts thereof: the Annex on Chemicals, the Annex on Implementation and Verification, and the Annex on the Protection of Confidential Information. The Convention was opened for signature and was signed by the United States at Paris on January 13, 1993. I transmit also, for the information of the Senate, the Report of the Department of State on the Convention.

In addition, I transmit herewith, for the information of the Senate, two documents relevant to, but not part of, the Convention: the Resolution Establishing the Preparatory Commission for the Organization for the Prohibition of Chemical Weapons and the Text on the Establishment of a Preparatory Commission (with three Annexes), adopted by acclamation by Signatory States at Paris on January 13, 1993. These documents provide the basis for the Preparatory Commission for the Organization for the Prohibition of Chemical Weapons (Preparatory Commission), which is responsible for preparing detailed procedures for implementing the Convention and for laying the foundation for the international organization created by the Convention. In addition, the recommended legislation necessary to implement the Chemical Weapons Convention, environmental documentation related to the Convention, and an analysis of the verifiability of the Convention consistent with Section 37 of the Arms Control and Disarmament Act, as amended, will be submitted separately to the Senate for its information.

The Chemical Weapons Convention is unprecedented in its scope. The Convention will require States Parties to destroy their chemical weapons and chemical weapons production facilities under the observation of international inspectors; subject States Parties' citizens and businesses and other nongovernmental entities to its obligations; subject States Parties' chemical industry to declarations and routine inspection; and subject any facility or location in the territory or any other place under the jurisdiction or control of a State Party to international inspection to address other States Parties' compliance concerns.

The Chemical Weapons Convention is also unique in the number of countries involved in its development and committed from the outset to its nonproliferation objectives. This major arms control treaty was negotiated by the 39 countries in the Geneva-based Conference on Disarmament, with contributions from an equal number of observer countries, representing all areas of the world. To date, more than 150 countries have signed the Convention since it was opened for signature in January of this year.

The complexities of negotiating a universally applicable treaty were immense. Difficult issues such as the need to balance an adequate degree of intrusiveness, to address compliance concerns, with the need to protect sensitive nonchemical weapons related information and constitutional rights, were painstakingly negotiated. The international chemical industry, and U.S. chemical industry representatives, in particular, played a crucial role in the elaboration of landmark provisions for the protection of sensitive commercial and national security information.

The implementation of the Convention will be conducted by the Organization for the Prohibition of Chemical Weapons (OPCW). The OPCW will consist of the Conference of the States Parties, which will be the overall governing body composed of all States Parties, the 41-member Executive Council, and the Technical Secretariat, an international body responsible for conducting verification activities, including on-site inspections. The OPCW will provide a forum in and through which members can build regional and global stability and play a more responsible role in the international community.

The Convention will enter into force 180 days after the deposit of the 65th instrument of ratification, but not earlier then 2 years after it was opened for signature. Thus, the Convention can enter into force on January 13, 1995, if 65 countries have deposited their instruments of ratification with the depositary for the Convention (the Secretary General of the United Nations) by July 1994. The 2-year delay before the earliest possible entry into force of the Convention was intended to allow Signatory States time to undertake the necessary national legislative and procedural preparations and to provide time for the Preparatory Commission to prepare for implementation of the Convention.

The Convention is designed to exclude the possibility of the use or threat of use of chemical weapons, thus reflecting a significant step forward in reducing the threat of chemical warfare. To this end, the Convention prohibits the development, production, acquisition, stockpiling, retention, and, direct or indirect, transfer to anyone of chemical weapons; the use of chemical weapons against anyone, including retaliatory use; the engagement in any military preparations to use chemical weapons; and the assistance, encouragement, or inducement of anyone to engage in activities prohibited to States Parties. The Convention also requires all chemical weapons to be declared, declarations to be internationally confirmed, and all chemical weapons to be completely eliminated within 10 years after its entry into force (15 years in extraordinary cases), with storage and destruction monitored through on-site international inspection. The Convention further requires all chemical weapons production to cease within 30 days of the entry into force of the Convention for a State Party and all chemical weapons production facilities to be eliminated (or in exceptional cases of compelling need, and with the permission of the Conference of the State Parties, converted to peaceful purposes). Cessation of production, and destruction within 10 years after the entry into force of the Convention (or conversion and peaceful production), will be internationally monitored through on-site inspection.

In addition, the Convention prohibits the use of riot control agents as a method of warfare, reaffirms the prohibition in international law on the use of herbicides as a method of warfare, and provides for the possibility for protection against and assistance in the event of use or threat of use of chemical weapons against a State Party. The Administration is reviewing the impact of the Convention's prohibition on the use of riot control agents as a method of warfare on Executive Order No. 11850, which specifies the current policy of the United States with regard to the use of riot control agents in war. The results of the review will be submitted separately to the Senate.

The Convention contains a number of provisions that make a major contribution to our nonproliferation objectives. In addition to verification of the destruction of chemical weapons, the Convention provides a regime for monitoring relevant civilian chemical industry facilities through declaration and inspection requirements. States

Parties are also prohibited from providing any assistance to anyone to engage in activities, such as the acquisition of chemical weapons, prohibited by the Convention. Exports to non-States Parties of chemicals listed in the Convention are prohibited in some instances and subject to end-user assurances in others. Imports of some chemicals from non-States Parties are also banned. These restrictions will also serve to provide an incentive for countries to become parties as soon as possible. Finally, each State Party is required to pass penal legislation prohibiting individuals and businesses and other nongovernmental entities from engaging in activities on its territory or any other place under its jurisdiction that are prohibited to States Parties. Such penal legislation must also apply to the activities of each State Party's citizens, wherever the activities occur. Through these provisions, the Convention furthers the important goal of preventing the proliferation of chemical weapons, while holding out the promise of their eventual worldwide elimination.

The Convention contains two verification regimes to enhance the security of States Parties to the Convention and limit the possibility of clandestine chemical weapons production, storage, and use. The first regime provides for a routine monitoring regime involving declarations, initial visits, systematic inspections of declared chemical weapons storage, production and destruction facilities, and routine inspections of the relevant civilian chemical industry facilities. The second regime, challenge inspections, allows a State Party to have an international inspection conducted of any facility or location in the territory or any other place under the jurisdiction or control of another State Party in order to clarify and resolve questions of possible noncompliance. The Convention obligates the challenged State Party to accept the inspection and to make every reasonable effort to satisfy the compliance concern. At the same time, the Convention provides a system for the inspected State Party to manage access to a challenged site in a manner that allows for protection of its national security, proprietary, and constitutional concerns. In addition, the Convention contains requirements for the protection of confidential information obtained by the OPCW.

The Convention prohibits reservations to the Articles. However, the CWC allows reservations to the Annexes so long as they are compatible with the object and purpose of the Convention. This structure prevents States Parties from modifying their fundamental obligations, as some countries, including the United States, did with regard to the Geneva Protocol of 1925 when they attached reservations preserving the right to retaliate with chemical weapons. At the same time, it allows States Parties some flexibility with regard to the specifics of their implementation of the Convention.

Beyond the elimination of chemical weapons, the Chemical Weapons Convention is of major importance in providing a foundation for enhancing regional and global stability, a forum for promoting international cooperation and responsibility, and a system for resolution of national concerns.

I believe that the Chemical Weapons Convention is in the best interests of the United States. Its provisions will significantly strengthen United States, allied and international security, and enhance global and regional stability. Therefore, I urge the Senate to give early and favorable consideration to the Convention, and to give advice and consent to its ratification as soon as possible in 1994.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 23, 1993.*

TRIBUTE TO NED COLL AND THE REVITALIZATION CORPS

Mr. DODD. I rise today to call my colleagues' attention to the work of Ned Coll and the Revitalization Corps of Hartford, CT.

Ned has dedicated the last 30 years of his life to fighting for the poor and disadvantaged of this country. His life's work was inspired by the example of President John F. Kennedy, the 30th anniversary of whose assassination we marked this week.

Ned took seriously President Kennedy's exhortation, "Ask not what your country can do for you, but what you can do for your country." On June 22, 1964, he founded the Revitalization Corps, a social action agency based in Hartford.

Ned has spent the last 30 years as a living example of President Kennedy's vision of public service. As we embark on the holiday season, a time of hope and redemption, Ned is starting a bread-and-water fast to draw attention to the crisis of violence in our society. He plans to continue the fast through Christmas Eve.

I would like to take this opportunity to commend Ned for his work and to say that I hope we all take seriously his concerns about the effect of violence on our children and on our culture. We must all commit ourselves to stopping the tide of violence that is sweeping over our society.

I ask unanimous consent that a column about Ned Coll written by Tom Condon in today's Hartford Courant appear at this point in the RECORD.

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

[From the Hartford Courant, Nov. 23, 1993]

COLL HAS LIVED IN THE SPIRIT OF KENNEDY

(By Tom Condon)

The young man heard the news and, stunned, walked out of the building, into the streets of downtown Hartford.

"The city was a sea of white handkerchiefs. There were no Republicans or Democrats that day," he recalled. He resolved to go to the funeral.

That was Nov. 22, 1963. The young man was Edward T. "Ned" Coll, 23, a recent graduate of Fairfield University who'd fulfilled his family's ambitions for him by getting a job at an insurance company.

President John F. Kennedy had inspired many young people to go into politics (including the guy in the White House now), into the Peace Corps and into other branches of public service. But few pondered JFK's challenge to "ask not what your country can do for you, ask what you can do for your country" as seriously as Ned Coll.

At the Kennedy funeral, Coll determined he'd do something to remember JFK. Coll decided that Kennedy was about helping the poor and disadvantaged. It took several months to work out the details, but on June 22, 1964, Ned Coll launched the Revitalization Corps, a social action agency that would be a living memorial to John, and later to Robert Kennedy.

Thirty years later, Ned is still doing it. Every day he arrives at the brick building on Holcomb Street in Blue Hills.

One of the first programs he started was tutoring North End youngsters, and that's mostly what he's doing again. Each week he brings in busloads of students from the University of Connecticut and Loomis-Chaffee School to tutor about 150 youngsters ages 10 to 16.

Coll hadn't planned anything special for the anniversary of the assassination: "I'm just going to work." But his memory of JFK is as keen as ever, and he still thinks the young president left us much too soon.

"First of all, he never would have let Vietnam go as far as it did. (I agree.) His antennae were too sharp. Also, he would have stopped the cynicism that led to the yuppie era. He would have challenged our young people," Coll said.

Coll said Kennedy was effective because "a sense of humor guided his intellectualism."

For Coll, the 30 years have been a journey, in every sense. By the late 60's, the Revitalization Corps had offices across the country, and thousands of volunteers. In the late '60s and early '70s, Coll sought a number of elective offices, from the Hartford school board to the presidency, in mostly symbolic campaigns to publicize the plight of the poor.

He's marched along the highways and beaches, and fought for causes large and small. He's also been slowed by illness and some personal difficulties over the years. The Corps is just a Hartford operation again, but it's still here, still offering tough love to youngsters who desperately need it.

As with most people who work in the neighborhoods of North Hartford and Frog Hollow, Coll is appalled by the level of violence in the city. He thinks the worst offender in promoting the cult of violence is the electronic media.

"The electronic media promotes violence, which is bad in itself; and takes kids away from reading. You can't grow if you don't read," he said. "This country needs to read and pray." He praised Attorney General Janet Reno for taking a stand against electronic violence.

Friday Coll is starting a bread-and-water fast to last until Christmas, which he hopes will draw attention to the problem of urban violence. He has no regrets about founding the Corps, "I'm glad I decided to do it."

LOOKING TOWARD THE NATO SUMMIT

Mr. LIEBERMAN. Mr. President, in January 1994, before the Congress reconvenes, President Clinton will take part in a summit of NATO leaders to discuss the future of the North Atlantic Alliance. One of the subjects which will have to be addressed is whether or not to expand NATO's membership by offering any of the former Warsaw Pact countries an opportunity to join the Alliance in some capacity. This is an important issue which has profound implications for security and stability in Europe and, thus, for our own national security. I have every reason to believe that the President and his administration are taking this question very seriously and intend to offer proposals which will keep NATO the vigorous Alliance which has helped maintain peace in Europe for over 40 years.

I commend to the reading of my colleagues an article by Dr. Zalmay Khalilzad of the Rand Corp., "Extending the Western Alliance to East Central Europe: A New Strategy for NATO," published as a Rand Issue Paper in May 1993. Dr. Khalilzad argues, as have several of our colleagues in this body, that one way to reinvigorate NATO is by establishing partnerships with the States of East Central Europe. He recognizes that such actions would not be without costs, but that the costs of not helping stabilize East Central Europe could be far greater.

I hope that the President will consider these views as he goes to the summit. The NATO summit will be a time for the President to demonstrate vision and leadership as he addresses both the dangers and opportunities which confront the North Atlantic Alliance.

WELFARE REFORM

Mr. DOLE. Mr. President, I rise to join my colleague, Senator BROWN in his commitment to reform of the welfare system. With the support of many other Senators, we stand ready to make it possible for people on welfare to get a job and to support themselves and their families. These Americans need our help now, so they can join the mainstream of society.

Mr. President, we believe the Federal Government must continue welfare reform. Landmark progress was made in 1988 when President Ronald Reagan signed into law the Family Support Act—a hard fought bipartisan agreement. The Senate contributed to this effort by passing a visionary work requirement which also was approved in the House.

We must build upon these improvements which helped redefine the welfare debate. They established as a primary objective education and training so those on welfare could prepare for and get jobs to support their families.

Specifically, in 1988 we accomplished: Strengthening child support enforcement procedures, requiring States to implement work, education, and training programs for welfare mothers, and offering transitional child-care and medical benefits to families who have left the welfare rolls for a job.

These improvements have not completed our work. We must build upon them. We must continue to determine what works and what does not. We must encourage the American work ethic.

We begin again by submitting a preliminary outline of a Senate Republican welfare reform bill. Our goals are: To strengthen the work requirements for abled bodied adults on welfare, to encourage welfare parents to support their children, to increase flexibility for States to design welfare programs, and to limit welfare to those it was created to help.

Mr. President, these changes must be addressed to further reform our half century old welfare system and make it relevant to our society today.

During the campaign, President Clinton pledged "to end welfare as we know it." As I understand it, his primary goal was to place strict time limits on welfare benefits, while strengthening the opportunities for training and job placement.

We are ready to work with President Clinton in a bipartisan spirit as he attempts to fulfill his promises to the American people.

Mr. President, the House of Representatives and our Nation's Governors will also play a major role in securing reform. Like our House colleagues, we believe that welfare recipients must meet real work requirements and that we must emphasize parental responsibility and paternity establishment.

Senator BROWN included in his floor statement on welfare reform the following, "there is a secret to success in America. It is work. Work means opportunity and growth. It gives fulfillment. To reform welfare, we have got to provide people an opportunity for self-respect and work."

Let the work begin. It is our responsibility.

HEAR ME, MY CHIEFS

Mr. INOUYE. Mr. President, I rise today to share with my colleagues the transcript of a public service radio program that was first aired on September 25, 1949.

The narrator of the program was a young Hollywood celebrity at the time, a man who would later become the Governor of California and then the President of the United States—former President Ronald Reagan.

This public service radio program recounts the sad and moving story of "The Last Days of the Great Warrior," Chief Joseph, leader of the Nez Perce Indians, and his valiant efforts to save his people and to live in peace with the white man.

Mr. President, I will ask that the transcript of this program be printed in full in the RECORD immediately following my remarks, because I believe that in this month which is dedicated to the American Indian, and in this year which the United Nations has declared the international year of the indigenous people, it is appropriate that we should recognize the members of the great society that preceded us on this land.

We should remind one and all that this Nation's first Americans are alive and well—that they survived our efforts to exterminate them—and that they were and continue to be the protectors of this Earth, the first conservationists, and the keepers of our spiritual values.

Mr. President, as we return to our homes to join our loved ones in the celebration of Thanksgiving, we should also remember that it was the Indians who provided the food for the first Thanksgiving in the land that was to become the United States, and that Gen. George Washington and his troops would never have survived the harsh winter at Valley Forge had it not been for the generosity of the Indian people who provided them sustenance.

Mr. President, at the conclusion of this broadcast, the narrator refers to one of the oldest Indian organizations in the United States—an organization that is no longer located in Hollywood, but rather, cannot be found in the Nation's Capitol.

On behalf of my colleagues in the Senate, I want to express our gratitude to the executive director of this organization called ARROW—which stands for American Restitution and Righting of Old Wrongs, Inc.—Mr. E. Thomas Colosimo—for his patience and perseverance in securing the releases that would enable us to share this transcript that commemorated American Indian Day in the year of 1949.

Mr. President, I thank you for the opportunity to share with our colleagues, this program entitled. "Hear Me, My Chiefs."

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

"HEAR ME, MY CHIEFS"—AMERICAN INDIAN DAY PROGRAM

SOUND. Tom Tom and Indian Ponies Walking Some Distance Off.

RECORD. Indian Chant (Distant).

NARRATOR. This is Ronald Reagan. (Pause) On a bright May morning in 1877, several bands of Nez Perces Indians rode slowly into Fort Lapwai up in the Idaho Indian country. Their ponies streaked with red, the Indians came in chanting * * *.

VOICE 1. (Cue) Listen to 'em.

VOICE 2. Important day for them.

VOICE 1. Maybe for us, too.

VOICE 2. Bunch of 'em there.

VOICE 1. Half a hundred or more, I'd say.

VOICE 2. Brought their women with 'em.

VOICE 1. Always do. And notice their faces are streaked with red too.

VOICE 2. Looks like all of 'em's wearing new buckskins.

VOICE 1. Ain't new, but they likely been rubbing 'em with chalk last couple days t'make 'em LOOK new. Feel they gotta look their best when they're coming in to powwow with the General.

Sound and record up briefly—then BG.

REAGAN. The men wore buckskin leggins and moccasins, and blankets of brilliant colors. Their hair was braided and tied with gaudy strings. The women wore bright shawls or blankets, skirts to the ankle, and hightop moccasins. They rode completely around Fort Lapwai. The troopers stood and watched—some from the inside of barracks where they had been ordered, to minimize the possibilities of an incident. For, among these Indians was one the world would never forget.

ORGAN. Hits and surges up into EPIC melody of a continent . . . hold ten seconds then drop to BG:

ANNCR. Starring Ronald Reagan as the narrator, the National Broadcasting Company and ARROW—the nationwide committee for American Restitution and Righting of Old Wrongs—present a special program written and produced by Arnold Marguis, a tribute to our people of Indian blood, in observance of American Indian Day—

ORGAN. Brilliant chord and out completely.

ANNCR. Hear Me, My Chiefs!

ORGAN. Swells up in broad legato . . . struggle . . . Tom Tom beat (25) then BG:

REAGAN. Every trooper at Fort Lapwai had heard about the chief of these Indians. The Nez Perces called him Thunder-Rolling-Over-The-Mountains. His name was prophetic. But to the troopers, who now faced him, he was known as Chief Joseph.

HOWARD. Tell Chief Joseph to sit here in the front circle.

REAGAN. This was General O. O. Howard * * * speaking to his translator.

HOWARD. Tell Chief Looking Glass to sit on his left, and Chief White Bird and Alokut to sit on his right.

REAGAN. The Indians sat down. Chief Joseph sat impassive. He was tall, six feet tall, straight, well-formed and muscular. His forehead was broad, his expression calm. (He was thinking of many things: his people, their land, his father's dying words:)

OLD CHIEF. My son, my spirit is going very soon to the Great Spirit Chief. Then you will be the chief of these people. Always remember, your father never sold his country. You must stop your ears whenever you are asked to sign a treaty selling your home. Never forget my dying words: this country holds your father's body.

REAGAN. General Howard, called by the Indians "The One-Armed-Soldier-Chief", spoke:

HOWARD. We are here to sign the treaty for the Wallowa Valley.

REAGAN. The Wallowa Valley was the home of the Nez Perces. They called it the Valley of the Winding Waters.

HOWARD. We ask you to move here to Lapwai Reservation.

ORGAN. Sneaks in . . . warmth and friendship . . . (legato) hold B.G. . . .

REAGAN. The Nez Perces had lived in their Valley of the Winding Waters for generations . . . for as long as their legends knew. The Nez Perces were mountain Indians. They lived in tall, white teepees, they planted crops in the Valley, they hunted elk, bear, deer in the mountains. They worked all summer drying fish from the swift streams, gathering berries and tobacco for winter. Once a year they crossed the mountains over in Montana for a buffalo hunt. They wore beautiful tanned hide garments: hunting shirts, leggins, moccasins. The women were vivacious. They laughed and smiled easily. The men were of extraordinary gentle and upright character, and they were proud of their record of peace with the white man . . . from the first white man they had seen when Lewis and Clark came through their country seventy years before. (Music drifts out.)

HOWARD. Your neighbors, the other Indians, have signed this treaty.

REAGAN. It was General Howard speaking. Then Chief Joseph spoke:

JOSEPH. If we ever owned the land, we own it still. You claim our country has been sold to the Government. Suppose a white man should come to me and say: Joseph, I like your horses and I want to buy them. I say to him: No, my horses suit me, and I will not sell them. Then he goes to my neighbor and says to him: Joseph has some good horses. I want to buy them, but he refuses to sell them. My neighbor answers: Pay me the money, and I will sell you Joseph's horses. The white man comes back to me and says: Joseph, I have bought your horses, and you must let me have them. (Pause.) If we sold our lands to the Government, THIS is the way they were bought.

REAGAN. (Pause.) The Indians sat impassively and looked at the whites. General Howard regarded Chief Joseph. Here was no ordinary Indian, no ordinary man.

HOWARD. A number of white settlers have lived in the valley for several years now.

JOSEPH. They have not received permission from us.

REAGAN. In 1885, a number of Nez Perce bands had signed a treaty, and moved to the Lapwai Reservation. But not Old Chief Joseph * * * father of this Chief Joseph. And other Nez Perce bands had signed another treaty in 1863. But not Old Chief Joseph. Meantime more whites were infiltrating the Valley of the Winding Waters * * * In 1873, tired of the wrangling for the valley, President U.S. Grant issued an order:

GRANT. The Wallowa Valley is hereby receded to the Nez Perce Indians * * *

REAGAN. There was rejoicing among the Indians, but not for long:

SETTLER 1. They can't do that * * * give our land back to the Indians.

SETTLER 2. No. I've had my family here for five years.

SETTLER 1. I've had mine here for seven * * *

SETTLER 2. I didn't come way out here to Oregon to get pushed off my land by Indians * * * or by anybody else.

REAGAN. The white settlers in the valley refused to move. New settlers came in to join them. Two years later, President Grant revoked his order * * * And since then, the whites had tried to get Chief Joseph and his followers to leave their Valley of the Winding Waters and move into the Lapwai Reservation * * * General Howard addressed himself to Chief Joseph.

HOWARD. Here on the Lapwai Reservation you and your people can live, but you must leave Wallowa Valley.

JOSEPH. For many years I have been talking to the whites about our valley. It is strange they cannot understand me. The country you ask us to leave belonged to my father, and when he died it was given to me and my people. (Pause.) I will not leave it until I am compelled to.

REAGAN. (Pause.) Silence again. General Howard had his orders. He addressed himself to the other chiefs.

HOWARD. What do YOU say?

LOOK GL. As, brothers, I do not like to fight the white man.

REAGAN. This was Looking Glass. General Howard turned to White Bird, the heavy-set man with the poker face * * * the fighter. (Pause.) White Bird said nothing * * * White Bird remembered the five days in the guardhouse General Howard had previously given him for insolence in a council where he had thought he sat with power and immunities equal to those of the white man.

HOWARD. I will give you thirty days to decide. * * *

REAGAN. This was General Howard's order. The Council was ended. Chief Joseph, his handsome young brother, Alokut, * * *. Looking Glass, the peace-maker, and White Bird, the firebrand, rose and walked out. The troopers watched them as they rode with their band slowly out of Fort Lapwai.

SOUND. Tom Tom * * * (off Mike) * * * Indian Ponies walking on gravel * * *

REAGAN. As the red-streaked ponies jogged along in the dust, hardly an Indian spoke. Chief Joseph rode solemnly.

SOUND. Tom Tom and Indian ponies.

REAGAN. When finally they stopped, everyone knew there would be hot words. (Sound out.)

WH. BIRD. I will not move.

REAGAN. This was White Bird, the firebrand.

LOOK. GL. I want to live in peace with the white man.

REAGAN. This was Looking Glass.

JOSEPH. The One-Armed-Soldier Chief has given us thirty days to decide. This means that all our talk has gained us nothing.

WH. BIRD. What else can talk gain?

JOSEPH. Reasonable men can avoid war. (Pause.) I ask that we try the reservation life during these 30 days—at least to show our good faith.

SOUND. Tom Tom sneaks in * * * building toward war.

WH. BIRD. No. I will not surrender the land of my people.

LOOK. GL. The white man is coming like what tide. Soon they will be all around us.

WH. BIRD. I will not surrender.

JOSEPH. Let the young man speak. What do you say, Alokut?

ALOKUT. My brother, we have reached our decision. We will fight.

JOSEPH. Make war? No! We are not a warlike people.

ALOKUT. The young men have decided. We have been gathering ammunition. We will buy more—all we can get. We will no longer permit the white man to crowd us off the trails. (With determination.) We will not give up our Valley of the Winding Waters * * * We will fight!

SOUND. Tom Tom now comes up full * * * throbbing beat * * *

ORGAN. Deep danger * * * impending action * * * in time with Tom Tom * * * briefly then under:

REAGAN. At Fort Lapwai, General Howard alerted his troops . . . And in the valleys and along the mountain trails, the whites and the Indians bristled at the sight of each other. To get ammunition the Nez Perce young men sold whatever they had, bartered whatever would be taken in exchange. They watched the white settlers, watched the trails, watched the troopers at Fort Lapwai and noted their maneuvers . . . Suddenly it came:

MUSIC. Swells up full . . . cuts off sharply . . .

ALOKUT. (Coming in.) My brother, my brother . . .

JOSEPH. (Calmly) What is it, Alokut?

ALOKUT. Speaking Eagle is dead.

JOSEPH. Speaking Eagle dead?

ALOKUT. The white settler down near the bend killed him. (Pause.) The young men are bringing him in now.

WH. BIRD. The settler called Larry Ott?

ALOKUT. Yes.

JOSEPH. Wait, White Bird. Where are you going?

WH. BIRD. (Off.) My chief, can we not even defend ourselves?

JOSEPH. No one must touch the settler called Larry Ott.

ALOKUT. Some of the young men are already on the trail.

JOSEPH. Stop them. Go and stop them Alokut.

ALOKUT. (Fading.) If I can, my brother. If I can.

REAGAN. No Indian touched Larry Ott. He was not harmed. But word of the death of Speaking Eagle spread through the valleys and the hills. And suddenly, at Slate Creek, Idaho——

SOUND. Several rifle shots . . . riccochets . . .

BIZ. Ad Libs of settlers and Indians

REAGAN. And several hours later——

SOUND. Galloping horse fading in full speed . . . pulls up to stop man dismounts.

REAGAN. A white settler rode for his life into Fort Lapwai

SETTLER 1. (Gasping for breath) Massacre! Massacre! Indians. (SOBS)

COL. Massacre? Where?

SETTLER 1. Indians (Gasps) Slate Creek. They ambushed us . . . they killed my family (SOBS)

COL. Killed your whole family?

SETTLER 1. Yessir. (Gasps) My father . . . my mother . . . my sister . . . It's a massacre. It's an uprising, I tell you. (SOBS) It's a massacre!

MUSIC. Deadly attack . . . dread danger . . . (Tom Tom beat)

REAGAN. Word of the ambush reached Chief Joseph at Kamiah almost as soon as it reached Fort Lapwai.

JOSEPH. (Sadly.) Now war will come.

REAGAN. Now was to begin one of the most remarkable games of military chess . . . of military hide-and-seek—of masterful military strategy stretching over 2000 miles of mountain trails and valleys.

JOSEPH. All hope of avoiding bloodshed is gone. We must move at one . . .

MUSIC. Swells full . . . agitation . . . (Tom Tom beats) (drop to BG)

BIZ. Bustle of Indians packing for the trail

SOUND. Many horses milling about . . . sounds of packing horses (Ad Libs)

JOSEPH. White Bird . . . Looking Glass . . . Alokut . . . as soon as your bands are ready, start for White Bird Canyon in the Salmon River country . . .

ALOKUT. My young men are already on the trail.

WHITE BIRD. We will be ready to start before dark.

LOOKING. The women and children will slow us, but we will be on the trail soon.

JOSEPH. Lose no haste in getting to White Bird Canyon.

BIZ AND SOUND. Builds full . . . horses . . . packing . . . ad libbing of bustling milling group.

REAGAN. Within the next few hours Chief Joseph's entire band was on the trail . . . a fighting force of some 300, and twice that many women and children. By the time he reached White Bird Canyon, Chief Joseph knew that Perry's troopers from Fort Lapwai were already after him. Joseph posted pickets at the entrance of the canyon, and then sat down with his wife and twelve year old daughter to wait for two things: for the arrival of the troops, and for the birth of his child . . . (music out.)

SOUND. Fading in . . . hoofbeats of approaching horse.

ALOKUT. (Coming in.) The soldiers are coming up the slope

JOSEPH. Then it is time.

REAGAN. This man who had never fought a battle . . . who had no training in warfare, walked out to command his warriors. He was ready. His warriors were ready. For Chief Joseph had contrived to battle, flawless in every detail. White Bird stood ready to flank the troops at a chain of buttes above the Indian camp. Joseph and Alokut waited behind a rocky ridge . . .

ALOKUT. They have discovered our teepees . . .

JOSEPH. Yes.

ALOKUT. They think they have caught us sleeping.

JOSEPH. They have not yet discovered our herd of horses. They must not see us—yet.

ALOKUT. They are getting ready to charge our camp.

JOSEPH. White Bird will come out at the right time. Are you ready?

ALOKUT. I am ready . . . and my young men are ready . . .

JOSEPH. There goes White Bird on their flank.

SOUND. Rifle fire . . . (ad libs of attacking Indians) (All this off mike)

ALOKUT. We have surprised them! Look at them break.

JOSEPH. Now . . . attack!

ALOKUT. (Yells command in Indian)

SOUND. (On Mike) Rifle fire . . . Indian war whoops . . . galloping horse . . .

JOSEPH. Now . . . stampede the herd of horses straight into them . . .

ALOKUT. (Off . . . shouting.) Drive the horses into them . . . stampede the horses. . . .

BIZ. Ad libs responses. . . .

SOUND. Stampede of horses . . . rifle fire . . . (ad libs).

ALOKUT. Look—the stampede has broken up their lines!

JOSEPH. Now, Alokut . . . turn to the right flank . . . drive them into White Bird!

ALOKUT. (Off . . . yelling.) To the right . . . turn their right flank!

SOUND. Hard riding . . . rifle fire . . . (ad libs).

REAGAN. Within a few moments the troopers and the civilian volunteers were caught between White Bird on one side, and Joseph and Alokut on the other. Almost immediately, it became a route.

SOUND. Hard riding . . . rifle fire . . . ad libs.

REAGAN. Joseph's warriors pursued the troopers riding at breakneck speed . . .When the battle had ended, nearly a third of the troopers lay dead, scattered from the entrance of White Bird Canyon along the bluffs and on the floor of the valley for a distance of ten or twelve miles. . . .

MUSIC. Triste . . . swells in maestoso . . . briefly . . . then drops to BG:

SOUND. Old fashioned bug telegraph key.

REAGAN. The telegraph lines to Washington were hot.

VOICE. (Filter.) General O.O. Howard has started from Fort Lapwai with an overwhelming force to round up and take Chief Joseph and his band of Nez Perces. . . .

SOUND. Old fashioned bug up briefly . . . fade out.

REAGAN. Joseph's scouts brought him the same information as the women of his band came in to honor the birth of his baby at White Bird Canyon. He packed his wife and baby on horses and moved his entire band—women, children, old people, and his herd of two thousand horses and hundreds of cattle—down the Salmon River . . . He knew he could not fight Howard's superior force as he had fought Perry's. (Music out.) He crossed the river, and took up a strategic position.

JOSEPH. Here we can strike in whatever direction is necessary.

REAGAN. General Howard's scouts were watching Joseph, as Joseph's scouts were watching him.

HOWARD. So . . . he's taken up a position on the opposite side of the river.

MILES. Yes, and the Salmon is a swift stream.

HOWARD. Well, we can not pursue him with our whole force. Leave our settlements unguarded.

MILES. Probably what he wants.

HOWARD. Send Whipple to Cottonwood. We'll cross the stream and attack Joseph.

MILES. Yes, sir.

REAGAN. But this is what Joseph wanted—to divide Howard's army. Joseph waited and as Howard approached, drew him deep into the rough mountains, then circled around, recrossed the river, cut Howard's supply-line and attacked Whipple at Cottonwood! When Howard discovered what Joseph had done, he recrossed the Salmon River and raced back to the rescue of Whipple. Meantime, Joseph had drawn off to Clearwater and joined forces with Chief Looking Glass.

LOOKING GLASS. The One-Armed-Soldier-Chief is on his way here with 400 men and many guns . . Joseph. We will wait for them.

LOOKING. Can we defend our camp—our women, children, horses?

JOSEPH. We will not defend. We will attack.

REAGAN. Joseph now had no more than 250 fighting men armed with rifles. General Howard was approaching with 400, Regular Cavalry and mounted infantry, armed with rifles, pistols, a howitzer and two Gatling guns . . . Joseph waited until Howard approached. Then, in a bold and masterful strike——

SOUND. Hard riding ponies . . . rifle fire . . . (ad libs).

REAGAN. Joseph's warriors charged across the Clearwater River . . . attacked Howard.

SOUND. Rifle fire . . . howitzer.

REAGAN. Dawn of the second day found the Indian fighting from behind stone barriers they had erected in the night. The troopers, although outnumbering and outgunning the Indians, were actually besieged . . . Shortly afternoon——

LOOKING. Look . . . a cloud of dust in the distance . . .

JOSEPH. Yes-Looking Glass.

LOOKING. It is a troop of cavalry.

JOSEPH. Reinforcements from Fort Lapwai. We will withdraw.

SOUND. Shooting slackens off.

REAGAN. Joseph broke off the battle and headed for Lolo Pass in the Bitter Root Mountains. When they had eluded Howard's force under cover of darkness, they halted. Joseph sat down with his chiefs to council. Looking Glass spoke:

LOOKING. There is now no hope of settlement. . . .

REAGAN. Then White Bird spoke.

WHITE. We must fight or run . . .

LOOKING. If we are to run, we must head for Canada.

REAGAN. Then Alokut spoke.

ALOKUT. They will bring up more reinforcements.

LOOKING. Canada is our only refuge, now.

JOSEPH. Why should we flee? What are we fighting for? Is it for our lives? No. It is for this land where the bones of our fathers lie buried. I do not want to die in a strange land. Some of you tried to say once that I was afraid of the whites. Stay here with me now, and you will have plenty of fighting. We will put our women behind us in these mountains, and die on our own land fighting for them.

LOOKING. (Pause.) Rolling Thunder Over the Mountains, like you, I am a man of peace. I have fought all my life for it. But if we die here, we will win nothing. We must move.

WHITE. We must move so we can fight again when the advantage is ours.

JOSEPH. (Pause.) What say you and your young men, Alokut, my brother?

ALOKUT. We must flee now, and fight again.

JOSEPH. (Pause.) Before dawn we will move up Lolo Pass. We must gain the pass to get through the Bitter Root Mountains . . .

MUSIC. Determination . . . briefly . . . then hold under in BG.

REAGAN. But the troopers had been on the move during the night, too. Before Joseph could get his warriors, his women and children and old people, his 2000 horses and his many cattle into Lolo Pass, Colonel Mason and a detachment of cavalry was attacking his rear. Joseph turned and fought him off, then pushed into the pass. But Captain Rawns, with another force, had got into the pass first, and was blocking his way. (Music out.)

SOUND. Distant . . . rifle fire . . . ricchoets on Mike.

WHITE. We can fight our way through, Joseph.

JOSEPH. No. Our losses will be too great.

ALOKUT. Then let us scatter through their lines in twos and threes.

JOSEPH. No, my brother Alokut, we must keep our strength intact. (Pause.) We will hold the shoulder-strap-soldier in play here, with the threat of an attack. And you, Looking Glass, will slip around the troops with the main body. We will join you on the other side of the pass.

LOOKING. I will take them, my chief.

SOUND. Distant firing . . . riccochets.

REAGAN. Captain Rawns stood fast in Lolo Pass under the threat of a frontal attack by Joseph. At nightfall, after waiting all day, they heard distant singing.

RECORD. Indian chant . . . distant.

CAPT. Where is that singing coming from, Sergeant?

SERGT. Seems like it's coming from up there. (Pause.) Yes, look . . . look . . . 'way up there on that ridge. Injuns with all their gear crossing over . . . and there ain't no trail up there of no kind. . . .

CAPT. Then they're slipping through to the other side!

RECORD. Fades out in distance.

REAGAN. Where it seemed a goat could not pass, Joseph's people passed along the side of a cliff with all their impedimenta . . . far out of reach of Captain Rawns . . . and dropped down through the Bitter Roots into the valley beyond.

MUSIC. Sneaks in . . . (Tom Tom beat) . . . freedom . . . hold BG.

REAGAN. But Joseph knew that other troops would soon be searching him out on Montana, expecting him to head northward, toward Canada. So he feinted to the south, encamped at Big Hole to give his exhausted people and horses a chance to rest, and his wounded a chance to recuperate. . . and to take advantage of the excellent hunting . . .

MUSIC. Swells full . . . contentment with note of danger . . . fade out.

REAGAN. At Big Hole just at daybreak, Gibbon surprised the sleeping Nez Perces . . . (Music out.)

SOUND. Hard riding cavalry . . . carbines and pistols.

BIZ. Chaos . . . ad libs of riding troops and surprised Indians.

LOOKING. Joseph, my chief, the whites are upon us.

JOSEPH. Protect the women and children, Looking Glass.

ALOKUT. (Coming in.) Are you safe, my brother?

JOSEPH. I am safe, Alokut. Rally your young men on your horses. Get out of range of their guns. We will attack.

ALOKUT. Yes, my brother. (Going.) To the horses, to the horses!

SOUND. Rifle and pistol fire.

WHITE. (Off . . . shouting.) Why are we retreating? Shall we run into the mountains and be killed like animals?

JOSEPH. (Coming in.) White Bird . . . rally your warriors. We will attack.

WHITE. I will rally them, Joseph. (Up) Fight, fight, my warriors. These soldiers cannot fight harder than the ones we defeated at the Salmon River and in White Bird Canyon. Fight. We can shoot as well as they can.

SOUND. Rifle and pistol fire . . . ad libs

MUSIC. Swells in . . . wipes out sound . . . trans excitement to triste.

REAGAN. When the all-day battle was over, eighty-nine Nez Perces lay dead. Joseph's wife lay dead. Chief Looking Glass lay dead. Sixty-nine troopers lay dead. And Joseph's camp and most of the possessions of his people lay in blackened ruin.

SOUND. Heavy beat of the Tom Tom . . . (dolorous).

REAGAN. Joseph once more gathered the able-bodied warriors he had left . . . something more than one hundred. He gathered the wounded, the women and children, the old people; rounded up his horses and his cattle. He doubled back to the north. He wound back and forth over the Rockies, fought two more engagements—one at Camas Meadow, one at Canyon Creek—and day by day inched closer to Canada . . . (Music drops out.) Joseph and his band now encamped near Snake Creek on the north slope of the Bear Paw Mountains in Montana, about 50 miles from the Canadian line. They were tired.

JOSEPH. My people, we have won our freedom. There are many empty places in our lodges and in our council. But we are in a land where we will not be forced to live in a place we do not want. If we can remain at a safe distance and talk straight to the men who will be sent out here by the Great Father, I believe we can get back to our Valley of the Winding Waters and return in peace . . .

REAGAN. But now a new force, a superior fresh force, had joined in the pursuit. Joseph was on the opposite side of the creek from the village when the first attack came.

SOUND. Cavalry charge . . . rifle and pistol fire . . . (ad libs).

WHITE. (Coming in.) It is a new shoulder-strap-soldier.

JOSEPH. Fresh troops, White Bird.

WHITE. They have cut our camp in two . . .

JOSEPH. We must get back to the main camp. (Going.) Come, White Bird.

SOUND. Galloping horses . . . rifle and pistol fire . . . (ad libs).

ALOKUT. Joseph, my brother, they have driven off most of our horses.

JOSEPH. Post your sharpshooters, Alokut. Pick off every shoulder-strap-soldier when they charge again.

ALOKUT. None will escape, my brother.

REAGAN. As Joseph had anticipated, Colonel Nelson A. Miles ordered a second charge—to try to cut off the Indian's water supply

SOUND. Volley of rifle shots . . . riccochets.

REAGAN. Hardly an officer survived. The deadly fire of the Indians dropped them in their tracks. Joseph ordered his people to dig in. The old people and the women did most of the digging, using shovels made of frying-pans. And Colonel Miles, being unable to dislodge them and suffering fearful losses, ordered a withdrawal. (Pause.) That night Joseph summoned six of his most trusted warriors.

JOSEPH. You will slip through the lines of the soldiers and ride with the wind to Sitting Bull. You will give him my message, and ask him to join our forces against the white man, and to send reinforcements with all haste.

VOICES. (Ad lib responses as they go.)

REAGAN. In the blackness of that night, the six trusted warriors silently slipped through the soldiers lines with their ponies and headed for the Sioux country and Sitting Bull. (Pause.) Next day, Colonel Miles' scouts reported this disquieting news to him.

MILES. Then, we have no time to lose. Now we must dislodge Joseph in the shortest possible time. . . . Order the attack.

SERGT. Yes sir.

REAGAN. The attack continued all the next day—and still Joseph was not dislodged. Colonel Miles settled down to starving him out.

SOUND. Blizzard.

REAGAN. And now the cold winds turned icy, snow started to fall, and a whistling blizzard swept through the valleys and over the Bear Paw Mountains . . . Joseph did not budge. His warriors, and his people suffered in the cold, and hunger gnawed mercilessly at them.

SOUND. Howitzers.

REAGAN. The firing continued . . . now, light artillery. (Sound fades out.) On the fourth day, Colonel Miles sent his Indian scouts, under a flag of truce, into Joseph's lines.

SCOUT. Children, we have come.

JOSEPH. What does the shoulder-strap-soldier want?

INDIAN. He wants to come in and talk with you.

JOSEPH. (Pause.) Tell them to. We will not harm them.

REAGAN. General Howard, the One-Armed-Soldier-Chief, and the new shoulder-strap-soldier, Colonel Nelson A. Miles rode slowly into the Indian lines.

MILES. Joseph—if you will come out and give up your arms, I will spare your lives and send you back to the Lapwai Reservation in Idaho.

REAGAN. Joseph was solemn. He could not surrender without the agreement of White Bird and his people. Now Joseph's magnificent young brother, Alokut was dead, killed in the first attack here at Bear Paw.

JOSEPH. We must have our guns.

MILES. Your guns and horses will be returned to you when you return to the Lapwai Reservation in Idaho.

JOSEPH. (Deep pause.) We will not have a trial.

MILES. There will be no court-martial.

JOSEPH. (Pause.) I must council with my people.

REAGAN. Colonel Miles and his party turned and rode slowly back to their

lines . . . and waited. They waited all that night. Next morning an Indian messenger came through the lines. A trooper was sent back through the Indians lines. At ten o'clock in the morning, General Howard and Colonel Miles stood on a slight rise behind their lines and waited . . .

SOUND. Tom Tom . . . (doleful).

ORGAN. Sneaks in . . . picks up Tom Tom beat . . . (defeat) hold BG.

REAGAN. Out of the Indian lines rode Chief Joseph. Three of his warriors walked on foot beside him. He rode with his rifle lying across his thighs, his hands clasped on the pommel of his saddle. His head was bowed. (Music out.)

SOUND. Indian pony . . . walking slowly . . . slowly fading in.

REAGAN. When Joseph reached the crest where the officers stood, he straightened up and dismounted with dignity. He held out his rifle to General Howard.

HOWARD. Give it to Colonel Miles.

JOSEPH. My rifle . . . Colonel Miles.

MILES. I accept.

REAGAN. Joseph then stepped back two paces. Standing tall and solemn, he spoke . . . and in all history there is nothing to exceed the pathetic eloquence of what he said: (Tom Tom out)

JOSEPH. I am tired of fighting. Our chiefs are killed. Looking Glass is dead. Alokut is dead. The old men are all dead. It is cold and we have no blankets. The little children are freezing to death. My people, some of them, have run away to the hills and have no blankets, no food. I want to have time to look for my children. (Deep pause.) Hear me, my chiefs. I am tired. My heart is sick and sad. (Pause.) From where the sun now stands, I will fight no more, forever.

(Silence.)

SOUND. Tom Tom (Defeat).

MUSIC. Picks up Tom Tom beat . . . builds into full defeat . . . hold BG:

REAGAN. All that day, Joseph's people streamed slowly into the troopers line . . . 47 able-bodied warriors . . . 40 wounded warriors . . . 184 women . . . 147 children. But White Bird and a band had slipped through the picket-lines and made for the Sioux country to join Sitting Bull. (Pause.) Here ended a military campaign the equal of the most brilliant campaigns the world had ever known—and led by an Indian who never before had fought a battle. (Music out.) Military experts at West Point charted and studied Chief Joseph's strategic retreat.

CAPT. Here you see the course of Chief Joseph's retreat.

REAGAN. Instructors taught it to the officers in training.

CAPT. Joseph never had, at any time, more than 350 warriors, and his fighting strength was diminished in each battle. Yet he engaged, in all, some 2,000 soldiers, and was hemmed in by fresh troops again and again. Joseph fought eleven engagements—five pitched battles, of which he won three, tied one, and lost one. General Howard pursued him over a distance of 1,321 miles in 75 days. Joseph and his band, with his warriors, old people, women and children, horses and cattle, covered more than 1800 miles, for they had to double and loop and backtrack.

MUSIC. Surges in . . . throbbing.

REAGAN. The long, long chase was over. The Valley of the Winding Waters was lost forever. Joseph hoped that he might be sent back there, at least to die. Colonel Miles promised that he would be taken to Tongue River and kept there until spring, and then returned to the Lapwai Reservation in Idaho. Instead, they were sent to Bismarck, in the Dakota Territory. Colonel Miles protested by letter:

MUSIC. Out.

MILES. As these people, the Nez Perces, have hitherto been loyal to the government and friends of the white race, and in their skillful campaigns spared hundreds of lives and thousands of dollars worth of property which they might have destroyed, they have, in my opinion, been grossly wronged in years past, have lost many of their warriors, their houses and property. I have the honor to recommend that provision be made for their civilization to enable them to become self-supporting. Joseph is a man of more sagacity and intelligence than any Indian I have ever met. He counselled against war, never practiced the usual Indian cruelties, and even ordered that our wounded troops be given water when they could be reached.

REAGAN. From Bismarck in Dakota Territory, Joseph's band were moved to Fort Leavenworth, Kansas . . . from there to Baxter Springs, Kansas. Generals, commissioners, deputations from congress came to see this remarkable Indian, to ask what he wanted.

JOSEPH. How many times must I tell you? We want our Valley of the Winding Waters . . . We ask to be recognized as men. We ask that the same law shall work alike for all men.

REAGAN. When all he heard were words, he burst out:

JOSEPH. Good words do not pay for my country. They do not protect my father's grave. They do not pay for my horses and cattle. Good words will not give me back my children. Good words will not make good the words of your war chief, General Miles . . .

REAGAN. Seven years later when Colonel Miles had become General Miles, he succeeded in having the Nez Perces returned to the Lapwai Reservation in Idaho. But Chief Joseph, and the 118 who were considered the leaders in the fighting in 1877 were taken to the Colville reservation in Washington Territory. Joseph never stopped striving for his people. At last he was brought to Washington, D.C. And there he revealed himself as great an orator as he had been a warrior.

JOSEPH. If the white man wants to live in peace with the Indian, he can live in peace. Treat all men alike. All men were made by the same Great Spirit Chiefs. They are all brothers, and should all have equal rights. You might as well expect a river to run backwards as that any man born free should be contented, penned up. If you tie a pony to a stake, do you expect he will grow fat? If you pen up an Indian he will not be contented, nor will he grow and prosper.

MUSIC. Surges in . . . deep emotion and sadness . . . briefly then B.G.

REAGAN. Chief Joseph saw his beloved Valley of the Winding Waters once more. James McLaughlin, the U.S. Indian Inspector, rode with Joseph into the Wallowa. He could hardly believe what he saw; the white man had made the valley fruitful and beautiful. Some of the grazing lands had been turned into fields of grain and hay. The Winding Waters had been turned into flumes as they rushed from Wallowa Lake and watered the many wide acres. (Music: Out.)

JOSEPH. But why couldn't MY people live here, too? This is the only home they have on earth.

REAGAN. There was no answer to this. As Joseph returned to the Reservation at Colville, he said:

JOSEPH. I shall see one more snow.

REAGAN. (Pause.) A few months later, On September 21, 1904, Chief Joseph suddenly fell dead.

MUSIC. Swells in . . . dirge . . . briefly then B.G.

REAGAN. Chief Joseph's body lay in state three days . . . his face painted and dressed in full chieftan regalia.

SHAMAN. (Off) Murmurs Indian chant.

REAGAN. A shaman spoke over him.

BIZ. Low murmuring of Indians come to pay last respects.

REAGAN. Every member of his band came to see him. His tepee was destroyed. His horses' tails were docked, and they could not be ridden for two winters. The body was carried on a horse-litter to a circular cairn, and there the body of Chief Joseph was buried beneath a mound of stones. And after the burial, the shaman blew smoke to each of the four winds, and wafted the spirit of Chief Joseph back whence it had come.

SOUND. Tom tom softly . . . insistently . . .

MUSIC. Swells up dramatically . . . the apotheosis of a great spirit . . . to button . . .

ANNCR. In observance of American Indian Day, you have just heard Ronald Reagan as the Narrator of "Hear Me, My Chiefs," a special program written and produced by Arnold Marquis, a public service presentation by the National Broadcasting Company and ARROW—the nationwide committee for American Restitution and Righting of Old Wrongs . . .

MUSIC. Theme . . . briefly.

ANNCR. Again . . . Ronald Reagan:

REAGAN. If you wish information on how you can help the American Indian today, write ARROW, Hollywood . . . that's ARROW, Hollywood . . . and join with distinguished Americans in the nationwide effort to make restitution to these first Americans . . . Thank you.

MUSIC. Theme up full . . . as needed.

ANNCR. This program reached you from Hollywood.

You're tuned for the stars (two beat pause) on N.B.C.

TO IMPROVE THE CONSERVATION AND MANAGEMENT OF INTER-JURISDICTIONAL FISHERIES

Mr. LAUTENBERG. Mr. President, yesterday, the Senate passed S. 1052, the Coast Guard Authorization Act of 1993. I am pleased that this bill included the provisions of S. 1126, the Atlantic Coastal Fisheries Cooperative Management Act, which I support.

S. 1126, sponsored by Senator FRITZ HOLLINGS, provides for effective interstate conservation and management of fishery resources along the Atlantic coast, which, of course, includes my home State of New Jersey.

A short time ago, a significant coalition of both recreational and commercial fishermen visited my office to express grave concerns with this bill. The members of this coalition told me that New Jerseyans who are interested in fishery issues are routinely shut out of the public process when it comes to discussing and making decisions on these issues. Regional decisions are made that are critical to the management and conservation of the resource without adequate regard or input from New Jersey.

Mr. President, anyone can look at a map and see that a large portion of my

State is surrounded by the Atlantic Ocean. It is imperative that my constituents have a seat at the table when Federal policy is made.

That's why I am pleased to say that when I approached the Senate Commerce Committee on behalf of my constituents, the committee effectively addressed my concerns.

As amended, S. 1126 requires the Atlantic States Management Fishery Commission to develop standards and procedures to govern the coastal fishery management plans. These plans must promote conservation based on the best scientific information available, and must ensure adequate opportunity for public participation. These changes sufficiently address my constituents' concerns.

Mr. President, the committee has made commendable changes to the original bill. I appreciate it and the people I represent appreciate it. This is a good example of consensus building on a matter of great importance to New Jersey residents.

With that, Mr. President, I am delighted to offer my support for this bill.

DIETARY SUPPLEMENT HEALTH AND EDUCATION ACT OF 1993

Mr. HATCH. Mr. President, many have inquired about the status of the Dietary Supplement Health and Education Act of 1993, which is now sponsored by 63 Senators and 209 House Members.

As my colleagues are aware, this legislation continues to be my top priority. Senator KENNEDY and I have been working with other members of the Labor and Human Resources Committee in a continued effort to negotiate an acceptable compromise prior to adjournment. We made a lot of progress, but unfortunately, could not reach a final agreement.

For this reason, Senators KENNEDY, KASSEBAUM, and I introduced S. 1762, a 4-month continuation of the current moratorium on FDA regulations, which was approved by the Senate Saturday night. Unfortunately, for a number of reasons, the House was not able to approve that bill prior to adjournment, and thus the moratorium will not be extended.

I understand that Energy and Commerce Committee chairman JOHN DINGELL and Health Subcommittee chairman HENRY WAXMAN did introduce a bill last night to address certain provisions of the dietary supplement legislation. I will reserve judgment on that legislation until I have the opportunity to review the language, but I would like to say that I could not support congressional enactment of a measure proposing substantive changes which had not been reviewed and fully studied by all sides.

To all who have raised concerns about the expiration of the moratorium in December, let me reiterate that, under current law, new FDA regulations cannot go into effect for 6 months, that is, until next June.

However, given the FDA's persistent bias against dietary supplements, I am not at all comfortable with the idea of allowing them to go forward in developing regulations. As we saw with the current moratorium and the regulations the FDA issued in June, the more time we allow them to develop proposals, the worse those proposals become.

Today, Congressmen BILL RICHARDSON, ELTON GALLEGLY, and I have sent a letter to Secretary of Health and Human Services Shalala, to put HHS and the FDA on notice that we do not intend that the agency continue to operate in a vacuum and to promulgate important regulations such as those on dietary supplements without any congressional consultation.

I ask unanimous consent that the text of that letter be inserted in the RECORD at this point.

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

NOVEMBER 23, 1993.

Hon. DONNA E. SHALALA,
Secretary of Health and Human Services, Washington, DC.

DEAR MADAM SECRETARY: One of your agencies, the Food and Drug Administration, has consistently demonstrated an anti-dietary supplement bias over the past three decades. That bias has threatened consumers' access both to dietary supplements and to information about the beneficial health effects of those products.

Last year, the Senate approved 94-1 an amendment Senator Hatch offered to the Labor-HHS appropriations bill which would have imposed a one-year moratorium on the FDA's ability to promulgate health claims regulations for dietary supplements under the Nutrition Labeling and Education Act. Although later dropped in conference, the provision was included in the Dietary Supplement Act, Public Law 102-571.

Congress provided the one-year moratorium in anticipation that HHS and the FDA would work with us to resolve issues surrounding the treatment of dietary supplements within the NLEA framework. That dialogue, quite simply, never took place. We were shocked this June when FDA in effect reissued the previous proposal, giving rise to the congressionally imposed moratorium.

More recently, we have introduced the Dietary Supplement Health and Education Act of 1993, a bill which enjoys the cosponsorship of 63 Senators, and 209 members of the House. The Senate bill, S. 784, is sponsored by 11 of the 17 members of the Committee on Labor and Human Resources, and the House bill, H.R. 1709, by 25 of the 44 members of the Energy and Commerce Committee, and 16 of the 26 members of its Health Subcommittee.

When the Congress could not reach consensus on the Dietary Supplement Health and Education Act this year, which had fully been the intent, the Senate approved by unanimous consent S. 1762, the Hatch-Kennedy-Kassebaum legislation to extend the current moratorium for another four months. Unfortunately, for a number of reasons, the House was not able to pass that legislation prior to adjournment.

Our purpose in writing is twofold. First, we strongly urge you to make certain that the FDA takes no action to implement the June 18 FEDERAL REGISTER notice on dietary supplements prior to congressional approval of a dietary supplement bill. Our intent would be that the FDA proceed, however, with approval of health claims that are in the pipeline, such as folic acid, which we hope the FDA will process with all due speed despite its recalcitrance thus far.

We are aware that the "hammer" will fall on the FDA's proposals and that they will become final if no final regulation is promulgated prior to June 1994. We will work to make certain legislation is enacted prior to that time.

Second, we urge that you respond to our October 29 letter requesting that the Administration withdraw FDA's fatally flawed document, "Unsubstantiated Claims and Documented Health Hazards in the Dietary Supplement Marketplace" and that you meet with us to discuss this. This is a matter of some urgency to us, and we are disappointed that we have received only an interim response in writing, and a telephone call asking if we were serious. We are. Very serious.

Sincerely,

ELTON GALLEGLY,
Member of Congress.
BILL RICHARDSON,
Member of Congress.
ORRIN HATCH,
U.S. Senate.

Mr. HATCH. Mr. President, with respect to the future of S. 784, as I have stated, it is my intention that after Senator KENNEDY and I, and other members of the Labor Committee, reach agreement on a bill which will address our mutual concerns—continued consumer access to dietary supplements and information about their health benefits—we will work with the House and attempt to forge a consensus.

I deeply regret that we could not reach consensus on S. 784, much less a continuation of the moratorium. I continue to be encouraged, though, by the strong grassroots support for this legislation; it is this nationwide consumer drive to get the FDA off the backs of dietary supplements that will ultimately make our effort successful. I pledge my continued effort in getting a bill enacted prior to adjournment next fall.

THE FINAL PAGE?

Mr. SASSER. Mr. President, I rise today to share with my colleagues the reflections of Rabbi Rafael G. Grossman on the recent Israeli-PLO peace pact signing ceremony. Rabbi Grossman is senior rabbi at the Baron Hirsch Congregation in Memphis. In a recent article for the Memphis Commercial Appeal, Rabbi Grossman eloquently shares his feelings about the ceremony and his hopes for peace in the Middle East. I ask that the full text of the article appear in the RECORD.

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

THE FINAL PAGE?

(By Rafael G. Grossman)

"Ladies and gentlemen, the President of the United States, Prime Minister Yitzhak

Rabin of Israel and Mr. Yasser Arafat, chairman of the Palestine Liberation Organization."

As the speaker made this announcement, I looked up from my seat on the South Lawn of the White House in disbelief. Two years ago Arafat and his followers were ecstatic as Saddam Hussein's Scuds exploded over Israel. Now the PLO chairman stood beside the head of the nation that thwarted the rape of Kuwait and the destruction of Israel. To the right of the American president was one of the world's great soldiers, Yitzhak Rabin, who in 1967 as commander-in-chief of Israel's Defense Force crushed in six days the armies of Egypt, Jordan, Syria and Iraq and convinced friend and foe that the Jews, history's proverbial victims and the people of the book, had learned the use of the sword.

The ceremony began and then there was the signing of an agreement between Israel and the Palestinians. Arafat and Rabin shook hands. This was a moment in history, a page in one of the bloodiest books ever written. I hope it was the last page.

I overheard someone in front of me saying, "It won't work, Arafat is a terrorist and you can't trust him." I kept thinking of reasons this agreement was destined to fail. I saw flashbacks in my mind. Scenes of horror kept appearing, Munich and the 11 Israeli athletes killed by members of Fatah, Arafat's group in the PLO. I thought of Maalot, where schoolchildren were slaughtered, and many other tragedies perpetrated against unarmed men, women and children and the man who claimed responsibility was standing but a few feet in front of me saying, "It is time to put an end to decades of confrontation and conflict." Should he be believed?

Should I, as a Jew, not call up all my psychological defense mechanisms acquired as the result of my people suffering a holocaust and constant persecution? A voice in me wanted to shout to Arafat, "Where were you in 1947 when the very same ideas of dividing this land were advanced by the United Nations plan for partition? If you and your fellow Arabs had accepted this plan, thousands of deaths would have been avoided. Instead, what followed were hijackings and a reign of terror which has yet to abate."

Golda Meir, Israel's great prime minister, in an unforgettable speech, after the Six Day War, told Egypt's President Nasser, "I can forgive you for what you did to our sons and daughters who perished in this war, but I cannot forgive you for what you made us do to your sons and daughters." Sitting there on the South Lawn, I had a similar thought. "Mr. Arafat, if you can end this, your children can live as well as ours."

As the participants were led from the platform by President Clinton at the ceremony's conclusion, I wanted to say to all of them, "Make this glorious day last, bury the swords and turn in them into plowshares and all of us will relegate this 100-year nightmare of hate and bloodshed to just a bad dream." Theodore Herzl, the father of political Zionism, once said, "If you will it, it need not be a dream." God knows that for both Jews and Arabs, Israelis and Palestinians, it must be willed and therefore not a dream.

My late father spent his childhood in Jerusalem. He and his parents fled in 1903 from pogroms in Poland to return to the land of their origin. Forty generations of my family lived in the Holy Land until the Ottoman Turks expelled them in 1825. Having no other place to go, they returned incognito to Jerusalem. My father would tell me about the Arab woman who once picked him up from the floor and comforted him after he was beaten by her children. "Someday," she promised him, "little boys will play and pray and the big men will stop acting like little boys and make peace." That day may well have come Monday. You can argue against the agreement, but can anyone argue against peace?

Tonight, Jews the world over will observe Rosh Hashanah, the New Year. In Judaism, these days are commemorated as the anniversary of creation. In a sense, this Rosh Hashanah would be the beginning of peace among people, because it is the mark of hope, the act of forgiveness. Prime Minister Rabin appropriately ended his speech by quoting a Hebrew prayer recited each day in this synagogue. "He who makes peace in His high places, may He make peace for us."

Wisely, President Clinton invited a group of Palestinian and Israeli children to the ceremony. The president of the world's most powerful nation pointed to them as he urged both parties to continue the search for peace. I looked at the children, and at that moment they resembled each other, neither Arab nor Jew, God's children whom I prayed would live long and productive lives and die someday of old age. It's a dream, you bet it is, but it spells hope.

JUVENILE GANGS AND ASSISTED HOUSING

Mr. LAUTENBERG. Mr. President, I want to bring to my colleagues' attention a provision that I authored, and which was included in Senator BIDEN's manager's amendment to the crime bill last week, which will address the serious problem of juvenile gangs and juvenile drug crime in federally subsidized housing projects

Mr. President, the crime bill passed by the Senate includes a grant program designed to address the problem of juvenile crime. Under that program, as originally proposed, grants could be used for a variety of purposes, including efforts to reduce juvenile drug and gang-related activity in public housing projects.

My amendment expanded those provisions to include programs to eliminate this kind of juvenile crime in privately owned, federally assisted low-income housing, such as section 8 projects. Under the amendment, funds could be used for a wide variety of enforcement and prevention initiatives, including youth sports, girls' and boys' clubs, Scout troops, and little leagues.

Mr. President, last year a resident of a Newark, NJ, assisted housing project came to my office, along with three managers of assisted housing in my State. They described life in a housing project where violence is routine, where children are afraid to leave their apartments at night, and where residents must deal with gunfire, and drug dealing on a daily basis. The picture they painted, Mr. President, was of a nightmare come to life. Of housing that had deteriorated into a battlefield; an occupied territory ruled by drug dealers and armed criminals.

It is an absolutely outrageous situation, Mr. President, and one that a great country like ours must never tolerate.

Mr. President, when most people think of drug-related crime in subsidized housing, they think of public housing. But the problems in privately owned, federally assisted housing are also severe. In fact, it is not unusual for a section 8 project to exist immediately adjacent to a public housing project, and for gangs and drug dealers to operate out of both premises.

Mr. President, the owners and managers of assisted housing, in many cases public housing authorities themselves, are responsible for providing safe and secure housing for their residents. Yet many are faced with an exploding crime problem for which they are ill-equipped to address. Most are doing their best to cope. But too often, they are overwhelmed. And it is the residents who suffer.

Mr. President, we have a responsibility to do what we can to ensure that residents in federally subsidized housing, whether public housing or assisted housing, are freed from the grip of youth gangs and drug dealers. And it is not just the residents who must suffer with these criminals. It is also the millions of Americans who live near the projects or who travel through surrounding areas.

In fact, the ripple effects of youth gangs and drug dealers extend far beyond the projects themselves. By undermining hopes for economic growth and revitalization, these criminals are creating enormous social and fiscal problems for many of our cities and municipalities.

Mr. President, I am under no illusion that this antigang grant program will solve all these problems. But it's a positive and important step in the right direction. And I think it makes sense to expand the program to include assisted housing, where much juvenile gang and drug activity is concentrated. The result should be better lives for residents, and substantially improved conditions in surrounding communities.

I thank both the distinguished chairman of the Judiciary Committee, Senator BIDEN, and the distinguished ranking member, Senator HATCH, for their cooperation in securing passage of this amendment.

FRIENDSHIP ACT

Mr. HELMS. Mr. President, this legislation is unprecedented in scope. It impacts the jurisdiction of eight committees—not one of which has held hearings on this matter, including the Foreign Relations Committee. Moreover, this bill repeals or revises more than 50 years of legislation enacted by the Congress in response to the menace of the Soviet Union and the butchery of communism throughout the world.

When this legislation was first presented to the Senate, I had significant reservations about the propriety of removing purely historical statutes. The sins of the Soviet Union are not automatically revisited upon the Russians and I do not believe it should matter in our relationship with Russia if we do not remove legislation referring to the murder of Lt. Col. Arthur Nicholson, Soviet persecution of religious believers, or Soviet intervention in Afghanistan and Angola.

I thank the able chairman of the Foreign Relations Committee for retaining several of these provisions in his legislation and for accommodating my concerns.

I am especially pleased that the legislation before us includes an authorization for a memorial in the District of Columbia to honor the many former and current victims of communism throughout the world.

Mr. President, it is impossible to quantify exactly how many actually died under communism. Khrushchev himself commented that "no one was keeping count." Archival materials uncovered in the former Soviet Union and Eastern Europe continue to shed light on the many unsolved mysteries of the Communist period, and I encourage continued provision of such archival material by the Russian Government.

I am pleased to note that the administration is not opposed to the memorial and that Congressman HAMILTON has stated for the record that he expects the other body to accept this addition.

Mr. President, I ask unanimous consent that the letters of support I have received from ethnic communities relating to the construction of this memorial be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HELMS. For so many years the West spoke the truth for those under communism who were not allowed to speak. Communism was a great aberration in this century and we said it was so. It led to the enslavement of hundreds of millions of people and its evil was personified in its means—deportations, death camps, wars by proxy, conquest of entire nations, to name just a few of the unimaginable horrors. We cannot forget those in China, Tibet, North Korea, and Vietnam who still seek freedom.

Alexandr Solzhenitsyn once wrote, "we have shriveled in the decades of faleshood, thirsted so long in vain for the refreshing drops of truth, that as soon as they fall upon our faces we tremble with joy." None of us, therefore, should countenance the erasing of history.

Mr. President, the Soviet Union does not exist any more and the Russia of today seems to be a vastly different place. I have a great deal of personal esteem for President Yeltsin. I believe, after careful review, that legislation that actually impedes our relationship with the States of the former Soviet Union and that are good for the United States should be modified.

But let us be candid about the legislation before us. This legislation is not at all what President Yeltsin sought at the Vancouver summit or since then. This legislation includes only one provision specifically requested by Russia—a change in the captive nations resolution. Instead, I understand that what is on President Yeltsin's mind is the relaxation of export controls, the removal of trade-law restrictions, and the repeal of Jackson-Vanik.

Unfortunately, I do not believe the time has come in the United States-Russian relationship to take these last steps. As much as I respect President Yeltsin, I am distressed that Russia and several of the other States of the former Soviet Union continue many of the bad habits of the Soviet Union.

I am thankful to President Yeltsin for the progress that has been made in the removal of Russian troops from the Baltic States and I encourage continued progress. However, I am concerned that Russian troops remain stationed in Latvia and Estonia with no agreement on the final departure date for these former occupation troops. I am also troubled by Russia's growing interventionist tendencies in areas such as Moldova, Central Asia, and Georgia, for example.

Neither Russia nor any of the other former Soviet States should mistake this legislation as a lack of due diligence or resolve to closely monitor arms control and proliferation issues, State-sponsored terrorism and intervention in neighboring conflicts, hostile intelligence gathering, or a government's lack of respect for human dignity.

Mr. President, I would like to thank Senator WARNER for his contribution in the process of reviewing the laws regarding intelligence gathering by nations of the former Soviet Union and I am pleased that his changes have been incorporated in this bill. Much of the legislation before us repeals findings relating to intelligence-gathering by nationals of the former Soviet Union. Although the former KGB, now called the SVR, has reduced its intelligence gathering activities, the Russian military apparatus continues its activities apace. The actions of the SVR and the GRU appear to be inconsistent with Russia's stated changes in policy and this does, indeed, trouble me.

Mr. President, I ask unanimous consent that two articles that appeared in the Wall Street Journal on August 2 and October 21, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. HELMS. This legislation removes reports regarding arms control commitments by the Soviet Union. I have been assured that other reports will adequately address these compliance issues which I believe is especially important given Russia's recent request to revise the flank limits to the CFE Agreement and their reported development of new nuclear missiles with MIRV's capabilities.

Mr. President, the purpose of this bill is to amend or repeal numerous statutory provisions that restrict or impede normal relations between the United States and Russia. Mr. President, the administration has even admitted in writing to me that the legislation—to be repealed or revised—does not directly affect the provision of assistance or impede normal diplomatic relations between the United States and Russia. I would like to add that the United States taxpayer already provides billions of dollars in foreign assistance to the former Soviet Union.

It is also important to note for the record that although the title of this act refers to Russia, Ukraine, and other States of the former Soviet Union, to my knowledge, neither Ukraine, Armenia, or any of the other States have requested the legislation before us.

Mr. President, obviously I have lingering reservations about the legislation before us. However, since this legislation appears to be more symbolic than substantive, and since I have been assured by the administration that this legislation is not a shift in policy inasmuch it removes only congressional findings, one-time reports, and historical documents from law, I am prepared to move forward with this effort.

EXHIBIT 1

UKRAINIAN NATIONAL ASSOCIATION, INC.,
Washington, DC, November 10, 1993.

Hon. CLAIBORNE PELL,
Chairman,
Hon. JESSE HELMS,
Ranking Minority Leader,
Committee of Foreign Relations, U.S. Senate, Washington, DC.

DEAR SENATORS PELL AND HELMS: We understand that during the mark-up of pending legislation promoting reforms and improved partnership with the New Independent States, the Committee may consider an amendment to authorize construction of an international monument in the District of Columbia to honor the victims of communism.

The undersigned American organizations support the concept of a privately funded memorial in honor of the memory of all who suffered tyranny and injustice under communist rule and urge your favorable consideration of such an endeavor.

Sincerely,

ARMENIAN ASSEMBLY OF AMERICA.
CONGRESS OF RUSSIAN-AMERICANS, INC.
POLISH AMERICAN CONGRESS.

LITHUANIAN-AMERICAN COMMUNITY, INC.
UKRAINIAN NATIONAL ASSOCIATION, INC.
UKRAINIAN NATIONAL INFORMATION SERVICE.
JOINT BALTIC AMERICAN NATIONAL COMMITTEE.
U.S.-BALTIC FOUNDATION.

CROATIAN DEMOCRACY PROJECT,
Washington, DC, November 8, 1993.

Senator CLAIBORNE PELL,
Washington, DC.

DEAR SENATOR PELL: I have learned of an effort to construct a memorial in the District of Columbia to commemorate the many victims of Communism. As you know, hundreds of millions of lives were lost in what history has recorded as the most costly political movement ever.

For millions of Croats who saw hundreds of thousands of family members tortured and executed by Tito's communist partisans, particularly as they are currently under threat of genocide from Serbian Communism, such a memorial would insure that such political extremism would never again be allowed to take root. In sum we risk it happening again if we forget.

I can state with full confidence that the two million strong Croatian-American community firmly supports the construction of a memorial to the victims of Communism.

Thank you for your consideration.

Sincerely,

MAX PRIMORAC,
President.

THE CUBAN AMERICAN NATIONAL FOUNDATION,
Washington, DC, November 17, 1993.

Hon. JESSE HELMS,
U.S. Senate,
403 Dirksen SOB,
Washington, DC.

DEAR SENATOR HELMS, We wish to convey to you the full support of the Cuban American National Foundation for the creation of a monument in honor of the victims of communism worldwide.

For nearly fifty years, the foreign policy of the United States was one of steadfast resistance to that inhuman ideology, so that as few people as possible would be subjected to its cruelties. Now that the forces of freedom have triumphed, it is time to honor those who did not survive to share in that victory.

We will never know the exact human cost of communism, but in the construction of such a monument those who perished by its hand will never be forgotten. By keeping their memory alive, we can ensure that communism will never rise from the grave.

Of course, our victory remains incomplete. Communism continues to linger on in our native land of Cuba. Yet such a monument will stand as a symbol of solidarity with the continuing struggle of the Cuban people. As we have learned from those who survived communism in the former Soviet Union and East Europe, one of the most critical elements in the demise of communism was the West's continuing awareness of and attention to their plight.

Again, Senator, we believe the idea of such a monument is an idea whose time has come and it is a testament to your life-long commitment to defending freedom abroad. We strongly endorse your worthwhile initiative.

Cordially,

FRANCISCO J. HERNANDEZ,
President.

EXHIBIT 2

[The Wall Street Journal Europe, Aug 2, 1993]

THE KGB LINGERS UNREFORMED

(By J. Michael Waller)

Russian President Boris Yelstin gave himself the perfect opportunity to do away with the former KGB when he recently sacked Security Minister Viktor Barannikov. If there was ever a time since the 1991 coup attempt to strike at the heart of the all-powerful secret police, it is now.

But the populist Russian leader has recently squandered a series of chances to challenge and eliminate his government's most noxious Soviet-era elements. In so doing, he has alienated his reformist friends and rewarded his hard-line enemies. Among Mr. Yelstin's most destructive missteps was his decision to preserve most of the old KGB and his failure to dissolve the Soviet-designed "parliament" which has had him on the defensive. He has backed away from free-market economic reforms and responded weakly to the disastrous declaration that rubles printed before 1993 would no longer be honored as currency.

To win back some of the support of his countrymen and put the country's reforms back on track, President Yeltsin should take two bold steps. First, he must nullify—not water down—the decision made in his absence to gut the ruble, thereby rescuing the thousands of private businesses on the verge of ruin and salvaging the savings of millions of impoverished Russians. While it may be considered too late for this first step, the second is long overdue. Mr. Yeltsin must instruct his new security minister to conduct a wholesale purge of the secret police bureaucracy and do away with the legacy of the KGB once and for all.

THE KGB BEAST

The Ministry of Security is an immensely powerful institution. It retains most of the KGB's internal structures and functions, including counterintelligence, border guards, military and police counterintelligence, physical security of subways, highways, railroads and the Aerofloat airline fleet; economic and industrial security, counter-organized crime and counter-narcotics, security of bunkers and certain government buildings, analysis, military construction, technical laboratories, surveillance, mail interception, wiretapping, archives, investigations and training. A ministry spokesman has acknowledged that it also contains the "Administration for Combating Terrorism"—the new name for the former KGB Fifth Chief Directorate that was responsible for political repression.

While it is no longer an instrument of the Communist Party, the Ministry of Security is structured and staffed as though it still is. Two years after the coup attempt, the state security headquarters at Lubyanka Square in Moscow continue to sport the outward symbolism of the dreaded KGB, with its sword-and-shield crest still baring the hammer-and-sickle.

Those images, visible to any tourist who walks the perimeter of the complex, indicate the primitive mindset of those inside. According to KGB veterans I interviewed, training of new recruits is almost no different than it was in the past, the only exception worthy of note being an end to instruction in Marxist-Leninist ideology.

The KGB's cult-like devotion to Feliks Dzerzhinskiy, the mass-murdering founder of Lenin's Cheka secret police, is still inculcated among state security personnel, who continue proudly to call themselves "chekists." Dzerzhinskiy statues and memorabilia adorn ministry facilities like religious icons. One Russian parliamentary leader, Nikolai Ryabov, who interviewed a number of KGB officers after the coup attempt observed, "Meetings and conversations with KGB leaders of various ranks clearly highlight one detail. They have no understanding in their minds that they are serving the constitution or the law, they have no reverence for the rule of law and citizens' rights. They unquestioningly and consistently fulfilled only the orders of their superiors; this for them was the main value, even though there may have been declarations of the 'we serve the people and the motherland' type."

The old KGB informant networks—the massive files on innocent citizens, the scores of thousands of secret policemen who remain on duty in every Russian village, the persecutors of Andrei Sakharov and countless others—all remain in place. They serve no purpose if Russia is to become a real democracy. Now is the time for President Yelstin to sweep them all away.

There is no reason why legitimate security functions such as counterintelligence, criminal investigations, and the like, cannot be parceled out to other institutions such as the armed forces and the militsiya uniformed police, or established a independent agencies. While none of those institutions could be considered reformed, the breakup of the Ministry of Security would at least dilute the potential for abuse over the time it would take to create and staff new institutions compatible with democracy. Moreover, some of the ministry's departments have no legitimate function at all, and should be abolished altogether. Their records should be turned over to an independent commission for preservation and judicious release, much like the successful Gauck Commission has done with the Stasi archives of the former East Germany.

OPPORTUNITY FOR CHANGE

Recent experience has shown that mere replacement of the power-hungry General Barannikov, who managed to reverse some of the modest reforms carried out after the 1991 coup attempt, will not solve the problem. When Soviet leader Mikhail Gorbachev and Mr. Yeltsin named the reformist Communist Party functionary Vadim Bakatin to head the KGB immediately after the putsch, Mr. Bakatin jacked a trusted staff on whom he could rely to take control of the organization. He also believed, wrongly as events proved, that the KGB could be reformed from within.

Mr. Bakatin later lamented, "one of my main errors was that I came into the KGB without my own staff and without a large group of like-minded people devoted to the matter. I overestimated my own powers. Without my own staff to turn over this bulky and cumbersome thing called the KGB, it proved to be almost impossible."

Unless President Yeltsin directs his new security chief to bring in his own team and conduct a thorough, top-to-bottom purge of the bloated, corrupt and out-of-control chekist bureaucracy, old KGB insiders will quickly isolate him and turn him into a mere figurehead. Their powers safely preserved, they will use that figurehead to show the world, one more time, how the secret police have "reformed."

YELTSIN'S DEBT TO THE OLD KGB

(By J. Michael Waller)

MOSCOW.—Most commentators on the recent political turmoil in Russia maintain

that President Boris Yeltsin owes a great debt to the military, which helped subdue the armed hardliners during the fateful events of Oct. 3-4. A closer look, however, indicates that the Russian leader's greatest debt is not to the highly visible military but to the little seen forces of the former KGB.

Ever since the collapse of the Soviet Union nearly two-years ago, Mr. Yeltsin has mortgaged his political and economic reforms by preserving the KGB's institutions. Rather than dismantling the organization as he had once advocated, he has maintained it in four separate bureaucracies: the ministry of security, which contains the KGB's internal security organs; the main guard administration, a 25,000-strong personal army of the president; the federal agency for government communications and information, responsible for electronic intelligence and secure communications; and the external intelligence service, formerly called the KGB First Chief Directorate. Little has changed in any of these.

In the weeks before his action against the Supreme Soviet and renegade Vice President Alexander Rutskoi, the Russian leader made a series of unsavory moves on behalf of the security organs. After firing Minister of Security Viktor Barannikov, a longtime crony from the uniformed police who was widely disliked by KGB professionals and who had been leaning toward the hardliners, Mr. Yeltsin was expected to name a reformer to impose a thorough housecleaning and reorganization.

VESTIGES FROM THE PAST

Instead, he replaced Gen. Barannikov with a hideous relic of the Soviet era: Nikolai Golushko, a KBG general who spent most of his 30-year career in the Fifth Chief Directorate, the dissident-hunting unit that repressed opponents of the Communist Party. The particular department that Gen. Golushko once headed was responsible for suppressing ethnic and nationalist sentiment—including Russian nationalism which native Ukrainians did with gusto. Once Gen. Golushko was formally installed as minister in August, he secured from the president a decree to expand his armed bureaucracy's broad and arbitrary powers, as well as a pay raise for all military and security personnel.

Thus the foundation was laid for the president to suspend the Supreme Soviet on Sept. 21. The ministry of security, which controls the counterintelligence and informant networks within the military and the national police, known as the MVD, was able to gauge the political reliability of those institutions and neutralize any major mutinies. MVD personnel had to be brought into Moscow from other cities due to the uncertainty about the loyalty of local MVD forces. In the first confrontation with a hardline mob, the MVD troops scattered. The military was indecisive and undependable.

It was not the army but the former KGB that saved the day for Boris Yeltsin. The Dzerzhinsky division, a motorized unit named for the founder of the Soviet secret police, was the first defense, repulsing the Rutskoi-sanctioned assault on the Ostankino television station the night of Oct. 3. Formally under MVD command, the division is subject to operational control of Gen. Golushko's ministry of security.

Nor did the army lead the attempt to retake the Supreme Soviet building the next morning. Initial infiltration was done by a joint team of highly-trained KGB commandos. According to Victor Yasmann of Radio Liberty, with whom I witnessed the fighting and have carefully investigated events since, 80 team members were from the Vympel Spetsnaz unit, and the remaining ones from the Alfa group. They infiltrated the compound mainly through a system of secret subterranean tunnels and nuclear bunkers.

This is extremely significant, because it begins to show exactly to whom Mr. Yeltsin owes his political life. The Vympel is a sabotage and terrorist force trained to infiltrate enemy territory and wreak mayhem behind the lines in time of war.

Previously a component of the KGB first chief directorate, Vympel is part of the external intelligence service. Alfa, formerly of the KGB Seventh Directorate, is an anti-terrorist and offensive shock force now with the president's personal security contingent. Although Alfa is acclaimed for not having attacked the Supreme Soviet building during the coup of 1991, its most infamous operation was a slaughter; the storming of the presidential palace in Kabul, Afghanistan, on the eve of the 1979 invasion. In that action, Alfa murdered more than 100 occupants of the palace, including President Hafizullah Amin and seven of his children.

The secret tunnels through which Vympel and Alfa penetrated the Supreme Soviet building are controlled by the ministry of security, which provided the blueprints and passage through the labyrinth. Upon taking the building's lower floors, Alfa kept the initiative, directing the fire of the army's small but dramatic group of 12 tanks into the building's upper stories. It was the combined Vympel-Alfa force, not the army, that triumphed at day's end by bringing out Vice President Rutskoi, Supreme Soviet Chairman Ruslan Khasbulatov and the others to face arrest. Two senior officers of that force actually negotiated the terms of surrender with the conspirators, Mr. Yasmann notes. Now the plotters are locked in Lefortovo Prison, the former KGB facility presently run by the ministry of security.

Most of the army units which helped Mr. Yeltsin were part of the KGB until two years ago. The Pskovskaya, Ryazan and Tula paratroopers who were called in had been under KGB command until after the coup attempt in 1991. So was the 117th Narosomensk regiment, recently recalled from Lithuania, which took part in the repressions against unarmed demonstrators in the Baltic republics earlier that year.

After the dust settled, as if to underscore who really controlled the streets, Mr. Yeltsin imposed a curfew in the capital which applied even to military officers. The curfew was enforced by the MVD and former KGB. Communication lines in the ministry of defense, general staff and GRU military intelligence were reportedly cut until Oct. 5—lines controlled by the former KGB Sixteenth Directorate.

PROTECTING THEIR OWN INTERESTS

The West should resist the temptation to view the units who stayed "loyal" to Mr. Yeltsin as defenders of democracy. The security organs did what they have done time and again since 1917: fired on fellow Russians to protect their man in the Kremlin and, more importantly, their own interests. The president after all was protecting them—essentially by not trying to control or reform them—and was helping them by attracting the hard currency and technology they need from the West. There is little reason to believe that they have changed.

In the most ugly irony yet of the post-Soviet reform process, Russian democracy now finds itself dependent on the institutions and individuals who ran the ever-growing informant networks that set neighbor spying on neighbor. These are the organs that provided international terrorists with training, weapons and money; they were the machinery that persecuted and even murdered their own citizens whose ideas ultimately helped sweep Mr. Yeltsin to power.

Mr. Yeltsin did what he had to do Oct. 4, but he has made a pact with the devil. Rather than looking the other way, the West must help the Russian leadership to break that pact and survive. This means fundamentally that the West must no longer be silent about the continued existence of a huge totalitarian-style security apparatus and the human rights abuses that go with it. The West must support the irreversibility of democracy in Russia by encouraging strict civil controls over the security and military forces, and the complete dismantlement of the instruments of repression that make the specter of dictatorship a continued threat to Russia and the rest of the world.

Mr. DOLE. Mr. President, the Berlin Wall was probably the most visible symbol of the cold war. When it fell and when the Warsaw pact and Soviet Union disintegrated, we knew that the cold war was over. Although these events signaling the end of the cold war happened so quickly, it has taken far more time to dismantle cold war policies and practices.

While President Bush and then, President Clinton, heralded the change in our relationship with Russia from adversary to partner, the task remained before us to implement this partnership—first, to assist Russia and the other former Soviet States, in their efforts toward reform, and second, to remove any barriers erected during the cold war which stood in the way of friendly relations.

When we passed the Freedom Support Act a few months ago, we provided Russia and the other former Soviet States with substantial financial and technical assistance to support critical Democratic and free market reforms.

Mr. President, this bill—the Friendship Act—is the second half of the equation: It removes cold-war-era restrictions and limitations that are barriers to genuine friendly diplomatic and economic relations between Russia and the United States. This bill also places in a historic context legislation which reflected the Congress' views on events and actions taken by the Soviet Union during the cold war. The bill clarifies that these provisions should not be construed as being directed against Russia, Ukraine, or the other Independent States of the former Soviet Union. I would like to commend the distinguished ranking Republican on the Foreign Relations Committee, Senator HELMS, on his amendment to this legislation which would authorize a monument to the victims of communism. Such a monument will serve as a reminder of the millions who suffered and died under Soviet rule.

Mr. President, I know that most, if not all, of my colleagues share the view that our stakes in reform in Russia and the other former Soviet States are

high—we want democracy to triumph in the former Soviet Union. We don't want to see a return to cold war tensions and cold war arsenals. But, while Russia's parliamentary elections are only a few weeks away there are still some in Russia, in Ukraine, and elsewhere, who would like to see a return to communism and the rise of a new Soviet empire—who hope that President Yeltsin's reforms will eventually prove to be a failed experiment.

While the future of Russia and the other Newly Independent States lies mostly in the hands of their citizens, we, too, have an important role to play. The Freedom Support Act was a vital first step. This bill is an essential next step.

The distinguished majority leader, the chairman of the Foreign Relations Committee, Senator PELL and the ranking Republican, Senator HELMS, and I, committed to this project some months ago—it was no small task as I am sure the staff can attest to. Many long hours were spent working on this legislation to take into account administration requests and the concerns of interested Senators. In my view this is a good bill which accomplishes the objective of paving the way toward partnership between the United States and the Independent States of the former Soviet Union.

President Clinton had requested that the Congress pass the Friendship Act prior to his departure in January for the summit in Russia. I am pleased that we have been able to complete our work in the Senate on time. This bill sends a clear message to President Yeltsin and the Russian people that the U.S. Congress stands with President Clinton in fully supporting their efforts to achieve genuine democracy.

MESSAGES FROM THE HOUSE

At 10:49 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 bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 486. An Act to provide for the addition of the Truman Farm Home to the Harry S. Truman National Historic Site in the State of Missouri.

H.R. 2921. An Act to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities.

H.R. 2947. An Act to amend the Commemorative Works Act, and for other purposes.

H.R. 3252. An Act to provide for the conservation, management, or study of certain rivers, parks, trails, and historic sites, and for other purposes.

H.R. 3583. An Act to make certain non-Federal levees eligible for assistance under the Federal levee rehabilitation program, and for other purposes.

H.R. 3616. An Act to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of Thomas Jefferson, Americans who have been prisoners of war, the Vietnam Veterans Memorial on the occasion of the 10th anniversary of the birth of Thomas Jefferson, Americans who have been prisoners of war, the Vietnam Veterans Memorial on the occasion of the 10th anniversary of the Memorial, and the Women in Military Service for America Memorial, and for other purposes.

H.R. 3617. An Act to amend the Everglades National Park Protection and Expansion Act of 1989, and for other purposes.

H.R. 3400. An Act to provide a more effective, efficient, and responsive government.

H.J. Res. 300. Joint Resolution providing for the convening of the Second Session of the One Hundred Third Congress.

The message also announced that the House agrees to the amendment of the Senate to the following bills:

H.R. 2150. An Act to authorize appropriations for fiscal year 1994 for the United States Coast Guard, and for other purposes.

H.R. 2840. An Act to amend title 17, United States Code, to establish arbitration royalty panels to replace the Copyright Royalty Tribunal, and for other purposes.

H.R. 3000. An Act for reform in emerging new democracies and support and help for improved partnership with Russia, Ukraine, and other new independent states of the former Soviet Union.

The message further announced that House agrees to the report of the committee on conference on the disagreeing votes of the two Houses on the amendments of the house to the bill (S. 714) to provide funding for the resolution of failed savings associations, and for other purposes.

The message also announced that the House agrees to the report of the committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1025) to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contacted by firearms dealers before the transfer of any firearm.

The message further 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. 3167) to extend the emergency unemployment compensation program, to establish a system of worker profiling, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the amendment of the House to the bill (S. 422) to amend the Securities Exchange Act of 1934 to ensure the efficient and fair operation of the Government securities market, in order to protect investors and facilitate Government borrowing at the lowest possible cost to taxpayers, and to prevent false and misleading statements in connection with offerings of Government securities.

The message further announced that the House has passed the following bills, each with an amendment, in which it requests the concurrence of the Senate:

S. 1769. An Act to make a technical amendment, and for other purposes.

S. 1732. An Act to extend arbitration under the provisions of chapter 44 of title 28, United States Code, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 189. Concurrent Resolution expressing the sense of the Congress that every appropriate effort should be made to avert a humanitarian disaster in Bosnia-Herzegovina and the other former Yugoslav republics during the winter of 1993–1994.

H. Con. Res. 190. Concurrent Resolution providing for the sine die adjournment of the First Session of the One Hundred Third Congress.

The message further announced that the House has passed the following bills, without amendment:

S. 664. An Act making a technical amendment of the Clayton Act.

S. 1764. An Act to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police.

S. 1777. An Act to extend the suspended implementation of certain requirements to the food stamp program on Indian reservations, to suspend certain eligibility requirements for the participation of retail food stores in the food stamp program, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions:

S. Con. Res. 44. Concurrent Resolution to express the sense of the Congress concerning the International Year of the World's Indigenous Peoples.

S. Con. Res. 56. Concurrent Resolution to authorize corrections in the enrollment of S. 1766.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

H.R. 898. An Act to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

H.R. 2330. An Act to authorize appropriations for fiscal year 1994 for the intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and disability system, and for other purposes.

H.R. 1425. An Act to improve the management, productivity, and use of Indian agricultural lands and resources.

H.R. 3318. An Act to amend title 5, United States Code, to provide for the establishment of programs to encourage Federal employees to commute by means other than single-occupancy motor vehicles.

H.R. 3378. An Act to amend title 18, United States Code, with respect to parental kidnapping, and for other purposes.

H.R. 3471. An Act to authorize the leasing of naval vessels to certain foreign countries.

H.J. Res. 75. Joint Resolution designating January 16, 1994, as "National Good Teen Day."

H.J. Res. 159. Joint Resolution to designate the month of November in 1993 and 1994 as "National Hospice Month".

H.J. Res 294. Joint Resolution to express appreciation to W. Graham Claytor, Jr., for a lifetime of dedicated and inspired service to the Nation.

S. 412. An Act to amend title 49. United States Code, relating to procedures for resolving claims involving unfiled, negotiated transportation rates, and for other purposes.

S. 1670. An Act to improve hazard mitigation and relocation assistance in connection with flooding, and for other purposes.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993 the Secretary of the Senate, on November 23, 1993, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 698. An Act to protect Lechuguilla Cave and other resources and values in and adjacent to Carlsbad Caverns National Park.

H.R. 2632. An Act to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for the fiscal year 1994, and for other purposes.

H.R. 3167. An Act to extend the emergency unemployment compensation program, to establish a system of worker profiling, and for other purposes.

MEASURES REFERRED

The following bills, previously received from the House of Representatives, were read the first and second times by unanimous consent and referred as indicated:

H.R. 897. An Act to amend title 17, United States Code, to modify certain registration requirements, and for other purposes; to the Committee on the Judiciary;

H.R. 1250. An Act to amend the coastwise trade laws to clarify their application to certain passenger vessels; to the Committee on Commerce, Science and Transportation;

H.R. 1645. An Act to amend title 13, United States Code, to require that the Secretary of Commerce produce and publish, at least every 2 years, current data relating to the incidence of poverty in the United States; to the Committee on Governmental Affairs;

H.R. 1994. An Act to authorize appropriations for environmental research, development, and demonstration for fiscal year 1994, and for other purposes; to the Committee on Environment and Public Works.

H.R. 2178. An Act to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1994, 1995, 1996, and 1997, and for other purposes; to the Committee on Commerce, Science and Transportation;

H.R. 2457. An Act to direct the Secretary of the Interior to conduct a salmon captive broodstock program; to the Committee on Environment and Public Works;

H.R. 2811. An Act to authorize certain atmospheric, weather, and satellite programs and functions of the National Oceanic Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2960. An Act to amend the Competitiveness Policy Council Act to provide for reauthorization, to rename the Council, and for other purposes; to the Committee on Commerce, Science and Transportation;

H.R. 1926. An Act to amend the National Narcotics Leadership Act of 1988 to extend and authorize appropriations for the Office of National Drug Control Policy, and for other purposes; to the Committee on the Judiciary;

H.R. 3402. An Act to establish a fountain darter captive propagation research program; to the Committee on Environment and Public Works;

H.R. 3512. An Act to abolish the Council on Environmental Quality and to provide for the transfer of the duties and functions of the Council; to the Committee on Environment and Public Works; and,

H.R. 3515. An Act to amend the Egg Research and Consumer Information Act, the Watermelon Research and Promotion Act, and the Lime Research, Promotion, and Consumer Information Act of 1990 to revise the operation of these Acts and to authorize the establishment of a fresh cut flowers and fresh cut greens promotion and consumer information program for the benefit of the floricultural industry, and for other purposes; to the Committee on Agriculture, Nutrition and Forestry.

The following bills and joint resolution were read the first and second times by unanimous consent and referred as indicated:

H.R. 58. An Act to authorize the Secretary of Transportation to convey vessels in the National Defense Reserve Fleet to certain nonprofit organizations; to the Committee on Commerce, Science and Transportation;

H.R. 324. An Act to require any person who is convicted of a State criminal offense against a victim who is a minor to register a current address with law enforcement officials of the State for ten years; to the Committee on the Judiciary;

H.R. 2921. An Act to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges; to the Committee on Energy and Natural Resources;

H.R. 2947. An Act to amend the Commemorative Works Act, and for other purposes; to the Committee on Energy and Natural Resources;

H.R. 3252. An Act to provide for the conservation, management, or study of certain rivers, parks, trails, and historic sites, and for other purposes; to the Committee on Energy and Natural Resources;

H.R. 3400. An Act to provide a more effective, efficient, and responsive government; to the Committee on Governmental Affairs;

H.R. 3583. An Act to make certain non-Federal levees eligible for assistance under the Federal levee rehabilitation program, and for other purposes; to the Committee on Environmental and Public Works;

H.J. Res. 216. Joint resolution designating January 16, 1994, as "Religious Freedom Day"; to the Committee on the Judiciary.

The following concurrent resolutions were read and referred as indicated:

H. Con. Res. 131. Concurrent resolution expressing the sense of the Congress with respect to the situation in Sudan; to the Committee on Foreign Relations; and,

H. Con. Res. 189. Concurrent resolution expressing the sense of the Congress that every appropriate effort should be made to avert a humanitarian disaster in Bosnia-Herzegovina and the other former Yugoslav republics during the winter of 1993-1994; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following measures were read the second time and placed on the calendar:

S. 1770. A bill to provide comprehensive reform of the health care system of the United States, and for other purposes.

S. 1775. A bill to ensure individual and family security through health care coverage for all Americans in a manner that contains the rate of growth in health care costs and promotes responsible health insurance practices, to promote choice in health care, and to ensure and protect the health care for all Americans.

S. 1779. A bill to ensure individual and family security through health care coverage for all Americans in a manner that contains the rate of growth in health care costs and promotes responsible health insurance practices, to promote choice in health care, and to ensure and protect the health care of all Americans.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON from the Committee on Energy and Natural Resources: Report to accompany the bill (H.R. 914) to amend the Wild and Scenic Rivers Act to designate certain segments of the Red River in Kentucky as components of the National Wild and Scenic Rivers System, and for other purposes (Rept. 103-206).

By Mr. INOUYE, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 293. A bill to provide for a National Native American Veterans' Memorial (Rept. No. 103-207).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 839. A bill to establish a program to facilitate development of high-speed rail transportation in the United States, and for other purposes (Rept. No. 103-208).

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. MOYNIHAN:

S. 1780. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986, to provide security for workers, to improve pension plan funding, to limit growth in insurance exposure, to protect the single-employer plan termination insurance program, and for other purposes; to the Committee on Finance.

By Mr. SIMON (for himself, Mr. WOFFORD, Mr. ROBB, and Mr. ROCKEFELLER):

S. 1781. A bill to make improvements in the Black Lung Benefits Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LEAHY (for himself and Mr. BROWN):

S. 1782. A bill to amend title 5, United States Code, to provide for public access to information in an electronic format, to amend the Freedom of Information Act, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE:

S. Con. Res. 57. A concurrent resolution providing for correcting the enrollment of H.R. 1025.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN:

S. 1780. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986, to provide security for workers, to improve pension plan funding, to limit growth in insurance exposure, to protect the single-employer plan termination insurance program, and for other purposes; to the Committee on Finance.

RETIREMENT PROTECTION ACT OF 1993

• Mr. MOYNIHAN. Mr. President, I ask unanimous consent that a letter from the administration requesting consideration of the Retirement Protection Act of 1993 be included in the RECORD.

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

PENSION BENEFIT GUARANTY CORP.,
Washington, DC, October 26, 1993.

Hon. DANIEL P. MOYNIHAN,
Chairman, Committee on Finance, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We are pleased to send you the Administration's proposal to strengthen pension benefit security for millions of workers and retirees in underfunded defined benefit pension plans insured by the Pension Benefit Guaranty Corporation (PBGC).

Pension security is an issue of significant concern to the Administration, the Congress and the public. The Administration is committed to seeking passage of an effective, balanced reform program. We ask that you give full and speedy consideration to these reforms. We seek to include all those with a stake in the pension system in the review of our reforms, and we are prepared to work with the Committee on Finance and the other committees of jurisdiction in moving the legislative process forward. We have also transmitted this proposal to the Senate Labor and Human Resources Committee, the House Ways and Means Committee, and the House Education and Labor Committee.

The Retirement Protection Act of 1993 is the product of several months work by an interagency task force established to examine issues of pension benefit security and the long-term stability of the PBGC. The PBGC provides pension protection to 32 million workers and retirees in 65,000 single-employer defined benefit plans. The task force found that while most of these plans are strong and well-funded, the 25 percent that are not well-funded accounted for $38 billion in unfunded benefit promises in 1991. Underfunding in and of itself may not jeopardize participants' benefits if the responsible employer can and will fund all promised benefits. Underfunding does, however, pose long-run risks to workers and to the PBGC. These are serious problems that must be addressed now, while they are still manageable.

The proposal presents a package of comprehensive reforms to improve pension funding and protect workers and retirees. These measures will markedly increase funding in the most underfunded plans, attaining full funding of nonforfeitable benefits within 15 years. These reforms will stabilize the financial condition of the PBGC for the long run. Based on past PBGC experience, we expect that the PBGC's deficit will be eliminated within 10 years. In addition, the bill gives PBGC more compliance tools to assure that employers remain responsible for their plans.

In addition to the reforms in this proposal, the Administration has expressed its view in the context of deliberations on S. 540, the Bankruptcy Amendments of 1993, that it supports clarifying the administrative priority of post-petition minimum funding contributions in bankruptcy and allowing PBGC to sit on creditors' committees.

The Omnibus Budget Reconciliation Act of 1990 (OBRA) requires that all revenue and direct spending legislation meet a pay-as-you-go requirement. That is, no such bill should result in an increase in the deficit; and if it does, it would trigger a sequester if it is not fully offset. The Retirement Protection Act of 1993 would reduce tax revenues, but will also increase tax revenues and increase offsetting receipts in the form of premiums paid to the Pension Benefit Guaranty Corporation. Considered together, the provisions of the bill meet the pay-as-you-go requirement of OBRA. Preliminary estimates are shown on the table below:

PRELIMINARY PAY-AS-YOU-GO ESTIMATES

[Fiscal years; in millions of dollars]

	1994	1995	1996	1997	1998	1994–98
Revenue losses and gains	36	56	−370	−448	−480	−1,206
Offsetting receipts	.....	91	286	463	446	1,286
Net effect	36	147	−84	15	−34	80

Again, we look forward to working with you to assure pension security for America's workers and retirees.

The Office of Management and Budget advises that there is no objection to the submission of this proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

ROBERT B. REICH,
Secretary of Labor, Chairman of the Board.

LLOYD BENTSEN,
Secretary of the Treasury, Board Member.

RONALD H. BROWN,
Secretary of Commerce, Board Member.•

By Mr. LEAHY (for himself and Mr. BROWN):

S. 1782. A bill to amend title 5, United States Code, to provide for public access to information in an electronic format, to amend the Freedom of Information Act, and for other purposes.

ELECTRONIC FREEDOM OF INFORMATION IMPROVEMENT ACT OF 1993

Mr. LEAHY. Mr. President, today I am joined by Senator BROWN in introducing a bill that we first introduced in 1991 to update the Freedom of Information Act. This bill, the Electronic Freedom of Information Improvement Act, give the public access to the records of Federal agencies maintained in electronic form, and takes steps to alleviate the endemic delays in processing requests for Government records.

This bill makes an important contribution to the President's plan for the national information infrastructure. That plan envisions the development of interconnected computer networks and databases that can put vast amounts of information at users' fingertips. Such an information infrastructure will give the public easy access to the immense volumes of information generated and held by the Government.

The Freedom of Information Act is an important tool for Americans to learn about the activities of their Government and to hold the Government accountable for its actions, policies, and decisions. FOIA embodies the principle that democracy depends on knowledge, and knowledge in turn depends on information.

New FOIA guidelines are needed to address new issues arising with the increased use of computers. While FOIA covers all Government information in any format, this bill redefines agency records to make that clear, requires an assessment of agency computer capability, and requires agencies to provide requested formats when possible.

Making Government information readily available electronically on people's computers can help to revitalize citizens' interest in learning what their Government is doing and better their understanding of the reasons underlying Government actions. This would, I believe, help reduce cynicism about Government.

We have recognized that Government must take advantage of the benefits of new technologies to provide easier and broader dissemination of information.

One provision of this bill now, and as it was introduced in the last Congress, requires agencies to publish certain information in an electronic form in the Federal Register. We recognized the importance of such electronic access when we recently passed a law requiring that people have online access to important Government publications, such as the Federal Register, the CONGRESSIONAL RECORD, and other documents put out by the Government Printing Office.

This administration has also taken laudable steps to make Government more open to the public. Just last month, Attorney General Janet Reno announced a new standard for Federal agencies to withhold information only when it was reasonably foreseeable that disclosure would be harmful to an interest protected by law and only when it need be. At the same time, President Clinton called for Federal agencies to renew their commitment to open Government. The Office of Management and Budget also issued a new circular urging Federal agencies to make information more widely available through electronic dissemination.

This electronic FOIA bill is an important step forward in using technology to make Government more accessible and accountable to our citizens.

To fulfill the promise of FOIA, Federal agencies must work to reduce the long delays, which in some agencies stretch to over 2 years, that it takes to give responses to FOIA requests. Because of these delays, newspaper reporters, students and teachers and others working under time deadlines, have been frustrated in using FOIA to meet their research needs. This works to the detriment of us all.

These delays are intolerable. This is not the level of customer service the American people deserve from their public servants, and does not satisfy the standard of service the President demanded in his September Executive order directed to every Government agency. The American taxpayer has paid for the collection and maintenance of this information and should get prompt access to it upon request.

Senator BROWN and I have proposed allowing agencies that are in substantial compliance with the statutory time limits to retain half of the FOIA fees they collect, instead of submitting those fees to the General Treasury as is currently the case. The fees the agencies can keep will be directed back to the agency FOIA operation to provide an incentive and resources to make these operations better and more efficient.

I look forward to working constructively with the administration and people in the FOIA community to keep FOIA up-to-date with new technologies and to ensure FOIA is an effective tool for open government.

Mr. President, I ask unanimous consent that the legislation and a section-by-section analysis be inserted in the RECORD.

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

S. 1782

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 "Electronic Freedom of Information Improvement Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) since the enactment of the Freedom of Information Act in 1966, and the amendments enacted in 1974 and 1986, the Freedom of Information Act has been a valuable means through which any person can learn how the Federal Government operates;

(2) the Freedom of Information Act ensures access to information held by the Government, which is a valuable national resource;

(3) the Freedom of Information Act has led to the disclosure of waste, fraud, abuse, and wrongdoing in the Federal Government;

(4) the Freedom of Information Act has led to the identification of unsafe consumer products, harmful drugs, and serious health hazards;

(5) Government agencies increasingly use computers to conduct agency business and to store publicly valuable information; and

(6) Government agencies should use new technology to enhance public access to information.

(b) PURPOSES.—The purposes of this Act are to—

(1) foster democracy by ensuring access to public information;

(2) improve public access to agency records and information;

(3) ensure agency compliance with statutory time limits; and

(4) maximize the usefulness of agency records and information collected, maintained, used, retained, and disseminated by the Federal Government.

SEC. 3. PUBLIC INFORMATION AVAILABILITY.

Section 552(a)(1) of title 5, United States Code, is amended—

(1) in the first sentence by inserting "electronically by computer telecommunications, and by other means," after "Federal Register";

(2) by striking out "and" at the end of subparagraph (D);

(3) by redesignating subparagraph (E) as subparagraph (H); and

(4) by inserting after subparagraph (D) the following new subparagraphs:

"(E) an index of all information retrievable or stored in an electronic form by the agency;

"(F) a description of any new database or database system with a statement of how such database or system shall enhance agency operations under this section;

"(G) a complete list of all statutes that the agency head or general counsel relies upon to authorize the agency to withhold information under subsection (b)(3) of this section, together with a specific description of the scope of the information covered; and".

SEC. 4. HONORING FORMAT REQUESTS.

Section 552(a)(3) of title 5, United States Code, is amended by—

(1) inserting "(A)" after "(3)";

(2) striking out "(A) reasonably" and inserting in lieu thereof "(i) reasonably";

(3) striking out "(B)" and inserting in lieu thereof "(ii)"; and

(4) adding the following new subparagraphs at the end thereof—

"(B) An agency shall provide records in any form in which such records are maintained by that agency as requested by any person.

"(C) An agency shall make reasonable efforts to provide records in an electronic form requested by any person, even where such records are not usually maintained in such form.".

SEC. 5. DELAYS.

(a) FEES.—Section 552(a)(4)(A) of title 5, United States Code, is amended by adding at the end thereof the following new clause:

"(viii) If at an agency's request, the Comptroller General determines that the agency annually has either provided responsive documents or denied requests in substantial compliance with the requirements of paragraph (6)(A), one-half of the fees collected under this section shall be credited to the collecting agency and expended to offset the costs of complying with this section through staff development and acquisition of additional request processing resources. The remaining fees collected under this section shall be remitted to the Treasury as general funds or miscellaneous receipts.".

(b) PAYMENT OF REQUESTER'S EXPENSES.—Section 552(a)(4)(E) of title 5, United States Code, is amended by adding at the end thereof the following new sentence: "The court may assess against the United States all out-of-pocket expenses incurred by the requester, and reasonable attorney fees incurred in the administrative process, in any case in which the agency has failed to comply with the time limit provisions of paragraph (6) of this subsection.".

(c) CIVIL PENALTY FOR DELAY.—Section 552(a)(4)(E) of title 5, United States Code, is further amended—

(1) by inserting "(i)" after "(E)"; and

(2) by adding at the end thereof the following new clause:

"(ii) Any agency not in compliance with the time limits set forth in this subsection shall demonstrate to a court that the delay is warranted under the circumstances. It shall be within the discretion of the court to award the requester an amount not to exceed $75 for each day that the agency's response to his request exceeded the time limits set forth in paragraph (6) of this section.".

(d) AGENCY BACKLOGS.—Section 552(a)(6)(B) of title 5, United States Code, is amended in the fourth sentence by inserting "shall not include routine agency backlogs and" after " 'unusual circumstances' ".

(e) NOTIFICATION OF DENIAL.—The fourth sentence of section 552(a)(6)(C) of title 5, United States Code, is amended to read: "Any notification of any full or partial denial of any request for records under this subsection shall set forth the names and titles or positions of each person responsible for the denial of such request and the total number of denied records and pages considered by the agency to have been responsive to the request.".

(f) EXPEDITED ACCESS.—Section 552(a)(6) of title 5, United States Code, is amended by adding at the end thereof the following new subparagraph:

"(D)(i) Each agency shall promulgate regulations, pursuant to notice and receipt of public comment, providing that upon receipt of a request for expedited access to records and a demonstration by the requester of a compelling need for expedited access to records, the agency shall determine within five days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of

such a request, whether to comply with such request. No more than one day after making such determination the agency shall notify the requester of such determination, the reasons therefor, and of the right to appeal to the head of the agency.

"(ii) A requester whose request for expedited access has not been decided within five days of its receipt by the agency or has been denied shall not be required to exhaust administrative remedies. An agency failing to comply with this time limitation shall be subject to the provisions of paragraph (4)(E)(ii).".

SEC. 6. COMPUTER REDACTION.

Section 552(b) of title 5, United States Code, is amended by inserting before the period in the sentence following paragraph (9): ", and such deletion shall be indicated on the released portion of the record at the place where such deletion was made".

SEC. 7. DEFINITIONS.

Section 552(f) of title 5, United States Code, is amended to read as follows:

"(f) For purposes of this section—

"(1) the term "agency" as defined in section 551(1) of this title includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency;

"(2) the term 'record' includes all books, papers, maps, photographs, data, computer programs, machine readable materials, and computerized, digitized, and electronic information, regardless of the medium by which it is stored, or other documentary materials, regardless of physical form or characteristics; and

"(3) the term 'search' includes a manual or automated examination to locate records.".

ELECTRONIC FOIA BILL SUMMARY

SECTION 1. SHORT TITLE

The Act may be cited as the Electronic Freedom of Information Improvements Act of 1993.

SECTION 2. FINDINGS AND PURPOSES

This section acknowledges the increase in the government's use of computers and specifies that government agencies should use new technology to enhance public access to government information.

The purposes of this bill are to improve access to government information and to ensure that agencies do not delay responses in an effort to defeat the intent of the Freedom of Information Act.

SECTION 3. PUBLIC INFORMATION AVAILABILITY

This section requires agencies to publish in the Federal Register an index of all information retrievable or stored in an electronic form and a description of any new database system with a statement of how it will enhance agency FOIA operations.

This section requires agencies to publish a complete list of statutes that the agency relies upon to withhold information under subsection (b)(3) of the Act. Exemption (b)(3) covers information that is specifically exempted from disclosure by other statutes. These exemptions currently show up in non-FOIA bills and decrease information available to the public without the Judiciary Committee even looking at them. In order to prevent ill-considered exemptions to the access mandate of the FOIA, this section would place specific limitations on an agency's ability to rely on the authority of (b)(3) exemption statutes when they have not passed through prescribed legislative channels and have not been previously brought to public attention through publication in the Federal Register.

The section also requires that information which must be published or made available for copying under the FOIA, such as agency regulations, should be accessible by computer telecommunications.

Government information should be available to everyone and computers should be a gateway to this information. Access to the Federal Register in electronic form is an important first step in making government regulations more available to our citizens who are blind or visually impaired. Timely access to government regulations by citizens who cannot read ordinary print is particularly important in light of the passage of the Americans With Disabilities Act (ADA).

According to the American Foundation for the Blind, the availability of information in standard electronic machine readable form with greatly facilitate the expeditious and cost efficient production of such information in braille, large print, or synthetic speech output.

SECTION 4. HONORING FORM REQUESTS

The bill would require agencies to assist requesters by providing information in the form requested if the agency maintains the information in that form. If the agency does not maintain the information in the form requested, it should make reasonable efforts to make the requested information available to the requester.

In *Dismukes* v. *Department of the Interior*, a court held that the agency "has no obligation under the FOIA to accommodate plaintiff's preference [but] need only provide responsive, nonexempt information in a reasonably accessible form." In response to the 1990 Justice Department survey, agencies overwhelmingly expressed opposition to a requirement that they provide information in the format requested. Agency opposition is framed as a burden and cost issue.

SECTION 5. DELAYS

Fees.—In an effort to decrease the delays experienced by FOIA requesters, this section authorizes agencies to retain one-half of the fees they collect if the agency complies with the statutory time limits for responding to requests. The fee retention provisions of the bill would reward agencies that meet the statutory time limits and should diminish the burdens on agencies with particularly heavy FOIA workloads. It will be very important to structure the compliance criteria so that the reward system operates effectively and without favoring any class of requesters over other classes. During consideration of the bill, we will explore which specific criteria for determining timely compliance would be fairest and most workable.

Payment of Requester's Expenses and Civil Penalty for Delay.—The current statute allows for attorneys' fees and other litigation costs in any case in which the complainant has reasonably prevailed. The bill also permits payment of requesters' litigation expenses and reasonable attorneys' fees in any case in which the agency fails to comply with the time limits. The bill also authorizes the assessment of financial penalties against agencies which are not in compliance with the statutory time limits. Currently, the only sanction for the violation of the statutory time limits is to treat the non-response as a denial sufficient to exhaust administrative remedies and to seek judicial review.

Agency Backlogs.—The statute provides that in unusual circumstances, the statutory time limits can be extended. The statute defines unusual circumstances as the need to search for records in field locations separate from the office processing the request, to search voluminous records, or to consult with another agency. In *Open America* v. *Watergate Special Prosecution Force*, a district court held that a massive backlog of FOIA requests in an agency with insufficient resources to process them in a timely manner can constitute "exceptional circumstances." This section would overturn that decision by specifying that routine agency backlogs do not constitute unusual circumstances for purposes of the Act.

Expedited Access.—Finally, the legislation authorizes expedited access to requesters who demonstrate a compelling need for a speedy response. The requester bears the burden of showing that expedition is appropriate. The agency is required to make a determination about the request within five days.

SECTION 6. COMPUTER REDACTION

The ability to redact information on the computer changes the complexion of released documents. At times, it is impossible to determine whether one sentence or 30 pages have been withheld by the agency. The bill requires agencies to indicate deletions of the released portion of the record at the place where such deletion was made.

SECTION 7. DEFINITIONS

The bill adds definitions of "record" and "search" to the statute explicitly to address electronically stored information. The current FOIA statute does not define either term. The definition of record in the bill is an expanded version of the definition in the Federal Records Act, 44 U.S.C. 3301. At this point, there is little disagreement that the FOIA covers all government records, regardless of the from in which they are stored by the agency. The Department of Justice agrees that computer database records are agency records subject to the FOIA. See Department of Justice Report on Electronic Record Issues Under the Freedom of Information Act, p. 2.

The Leahy-Brown bill defines "search" as "a manual or automated examination to locate records." Under the FOIA, an agency is not required to create documents that do not exist. Because computer records may be located in a database rather than in a file cabinet, the question is whether a search for paper records is analogous to a computer search. Computerized records may require the application of codes or some form of programming to retrieve the information. Under the definition of "search" in the legislation, the search of computerized records would not amount to the creation of records. Any other interpretation would make it virtually impossible to get records that are maintained completely in an electronic form, like electronic mail, because some manipulation of the information likely would be necessary to search the records.

ADDITIONAL COSPONSORS

S. 154

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 154, a bill to insure that any peace dividend is invested in America's families and deficit reduction.

S. 411

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 411, a

bill to freeze domestic discretionary spending for fiscal years 1994 and 1995 at fiscal year 1993 levels.

S. 413

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 413, a bill to provide that the cost of living adjustment to increase the rate of pay for Members of Congress in calendar year 1994 shall not take effect.

S. 435

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 435, a bill to reduce the rate of pay for each Member of Congress to the rate which was in effect before the cost of living adjustment in calendar year 1993.

S. 449

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 449, a bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated.

S. 563

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 563, a bill to require CBO analysis of each bill or joint resolution reported in the Senate or House of Representatives to determine the impact of any Federal mandates in the bill or joint resolution.

S. 802

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 802, a bill to require the President to seek to obtain host nation payment of most or all of the overseas basing costs for forces of the Armed Forces of the United States in such nation, to limit the use of funds for paying overseas basing costs for United States forces, and for other purposes.

S. 921

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 921, a bill to reauthorize and amend the Endangered Species Act for the conservation of threatened and endangered species, and for other purposes.

S. 973

At the request of Mr. DORGAN, the name of the Senator from Alaska [Mr. MURKOWSKI) was added as a cosponsor of S. 973, a bill to require the Federal Communications Commission to evaluate and publicly report on the violence contained in television programs, and for other purposes.

S. 1083

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1083, a bill to amend the Internal Revenue Code of 1986 to provide that veterans' allowances and benefits administered by the Secretary of Veterans Affairs are not included in gross income.

S. 1087

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 1087, a bill to amend title 18, United States Code, to prohibit the possession of a handgun or ammunition by, or the private transfer of a handgun or ammunition to, a juvenile.

S. 1090

At the request of Mr. BROWN, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 1090, a bill to rescind unauthorized appropriations for fiscal year 1993.

S. 1148

At the request of Mr. BROWN, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 1148, a bill to allow for moderate growth of mandatory spending.

S. 1458

At the request of Mrs. KASSEBAUM, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1458, a bill to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

S. 1468

At the request of Ms. MOSELY-BRAUN, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1468, a bill to amend the Higher Education Act of 1965 to require institutions of higher education to disclose participation rates, and program support expenditures, in college athletic programs, and for other purposes.

S. 1495

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 1495, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 1521

At the request of Mr. GORTON, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1521, a bill to reauthorize and amend the Endangered Species Act of 1973 to improve and protect the integrity of the programs of such act for the conservation of threatened and endangered species, to ensure balanced consideration of all impacts of decisions implementing such act, to provide for equitable treatment of non-Federal persons and Federal agencies under such act, to encourage non-Federal persons to contribute voluntarily to species conservation, and for other purposes.

At the request of Mr. SHELBY, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1521, supra.

S. 1576

At the request of Mr. HATCH, his name was added as a cosponsor of 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.

S. 1586

At the request of Mr. JOHNSTON, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1586, a bill to establish the New Orleans Jazz National Historical Park in the State of Louisiana; and for other purposes.

S. 1618

At the request of Mr. MCCAIN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1618, a bill to establish Tribal Self-Governance, and for other purposes.

S. 1626

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 1626, a bill to amend title 38, United States Code, to revise the veterans' home loan program.

S. 1715

At the request of Mrs. HUTCHISON, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Virginia [Mr. ROBB], the Senator from Arizona [Mr. DECONCINI], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Wyoming [Mr. WALLOP], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Washington [Mrs. MURRAY], the Senator from Indiana [Mr. LUGAR], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 1715, a bill to provide for the equitable disposition of distributions that are held by a bank or other intermediary as to which the beneficial owners are unknown or whose addresses are unknown, and for other purposes.

At the request of Mr. HATCH, his name was added as a cosponsor of S. 1715, supra.

S. 1746

At the request of Mrs. KASSEBAUM, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 1746, a bill to establish a youth development grant program, and for other purposes.

S. 1767

At the request of Mr. PACKWOOD, his name was added as a cosponsor of S. 1767, a bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to control the diversion of certain chemicals used in the illicit production of controlled substances such as methcathinone and methamphetamine, and for other purposes.

SENATE JOINT RESOLUTION 159

At the request of Mr. DODD, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of Senate Joint Resolution 159, a joint resolution to designate the period commencing on February 14, 1994, and ending on February 20, 1994, as "Children of Alcoholics Week."

SENATE CONCURRENT RESOLUTION 45

At the request of Mr. COATS, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of Senate Concurrent Resolution 45, a concurrent resolution relating to the Republic of China on Taiwan's participation in the United Nations.

SENATE CONCURRENT RESOLUTION 57—RELATIVE TO THE ENROLLMENT OF H.R. 1025

Mr. DOLE submitted the following concurrent resolution; ordered to lie over under the rule:

S. CON. RES. 57

Resolved by the Senate (the House of Representatives concurring), That the Enrolling Clerk of the House of Representatives is directed to make the following change in the enrollment of H.R. 1025:

Strike all after the enacting clause and insert the following:

TITLE ___—BRADY HANDGUN CONTROL

SEC. ___01. SHORT TITLE.

This title may be cited as the "Brady Handgun Violence Prevention Act".

SEC. ___02. FEDERAL FIREARMS LICENSEE REQUIRED TO CONDUCT CRIMINAL BACKGROUND CHECK BEFORE TRANSFER OF FIREARM TO NONLICENSEE.

(a) INTERIM PROVISION.—

(1) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(s)(1) Beginning on the date that is 90 days after the date of enactment of this subsection and ending either on the day before the date that is 48 months after such date of enactment unless the Attorney General extends the date or on the day that the Attorney General notifies the licensees in all the States under section ___03(d) of the Brady Handgun Violence Prevention Act, whichever occurs earlier, it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer a handgun to an individual who is not licensed under section 923, unless—

"(A) after the most recent proposal of such transfer by the transferee—

"(i) the transferor has—

"(I) received from the transferee a statement of the transferee containing the information described in paragraph (3);

"(II) verified the identity of the transferee by examining the identification document presented;

"(III) within 1 day after the transferee furnishes the statement, provided notice of the contents of the statement to the chief law enforcement officer of the place of residence of the transferee; and

"(IV) within 1 day after the transferee furnishes the statement, transmitted a copy of the statement to the chief law enforcement officer of the place of residence of the transferee; and

"(ii)(I) 5 business days (meaning days on which State offices are open) have elapsed from the date the transferor furnished notice of the contents of the statement to the chief law enforcement officer, during which period the transferor has not received information from the chief law enforcement officer that receipt or possession of the handgun by the transferee would be in violation of Federal, State, or local law; or

"(II) the transferor has received notice from the chief law enforcement officer that the officer has no information indicating that receipt or possession of the handgun by the transferee would violate Federal, State, or local law;

"(B) the transferee has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the 10-day period ending on the date of the most recent proposal of such transfer by the transferee, stating that the transferee requires access to a handgun because of a threat to the life of the transferee or of any member of the household of the transferee;

"(C)(i) the transferee has presented to the transferor a permit that—

"(I) allows the transferee to possess or acquire a handgun; and

"(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

"(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of the law;

"(D) the law of the State requires that, before any licensed importer, licensed manufacturer, or licensed dealer completes the transfer of a handgun to an individual who is not licensed under section 923, an authorized government official verify that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of law;

"(E) the Secretary has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

"(F) on application of the transferor, the Secretary has certified that compliance with subparagraph (A)(i)(III) is impracticable because—

"(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

"(ii) the business premises of the transferor at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer; and

"(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

"(2) A chief law enforcement officer to whom a transferor has provided notice pursuant to paragraph (1)(A)(i)(III) shall make a reasonable effort to ascertain within 5 business days whether receipt or possession would be in violation of the law, including research in whatever State and local recordkeeping systems are available and in a national system designated by the Attorney General.

"(3) The statement referred to in paragraph (1)(A)(i)(I) shall contain only—

"(A) the name, address, and date of birth appearing on a valid identification document (as defined in section 1028(d)(1)) of the transferee containing a photograph of the transferee and a description of the identification used;

"(B) a statement that transferee—

"(i) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

"(ii) is not a fugitive from justice;

"(iii) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

"(iv) has not been adjudicated as a mental defective or been committed to a mental institution;

"(v) is not an alien who is illegally or unlawfully in the United States;

"(vi) has not been discharged from the Armed Forces under dishonorable conditions; and

"(vii) is not a person who, having been a citizen of the United States, has renounced such citizenship;

"(C) the date the statement is made; and

"(D) notice that the transferee intends to obtain a handgun from the transferor.

"(4) Any transferor of a handgun who, after such transfer, receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee violates Federal, State, or local law shall, within 1 business day after receipt of such request, communicate any information related to the transfer the transferor has about the transfer and the transferee to—

"(A) the chief law enforcement officer of the place of business of the transferor; and

"(B) the chief law enforcement officer of the place of residence of the transferee.

"(5) Any transferor who receives information, not otherwise available to the public, in a report under this subsection shall not disclose such information except to the transferee, to law enforcement authorities, or pursuant to the direction of a court of law.

"(6)(A) Any transferor who sells, delivers, or otherwise transfers a handgun to a transferee shall retain the copy of the statement of the transferee with respect to the handgun transaction, and shall retain evidence that the transferor has complied with subclauses (III) and (IV) of paragraph (1)(A)(i) with respect to the statement.

"(B) Unless the chief law enforcement officer to whom a statement is transmitted under paragraph (1)(A)(i)(IV) determines that a transaction would violate Federal, State, or local law—

"(i) the officer shall, within 20 business days after the date the transferee made the statement on the basis of which the notice was provided, destroy the statement, any record containing information derived from the statement, and any record created as a result of the notice required by paragraph (1)(A)(i)(III);

"(ii) the information contained in the statement shall not be conveyed to any person except a person who has a need to know in order to carry out this subsection; and

"(iii) the information contained in the statement shall not be used for any purpose other than to carry out this subsection.

"(C) If a chief law enforcement officer determines that an individual is ineligible to receive a handgun and the individual requests the officer to provide the reason for such determination, the officer shall provide such reasons to the individual in writing within 20 business days after receipt of the request.

"(7) A chief law enforcement officer or other person responsible for providing criminal history background information pursuant to this subsection shall not be liable in an action at law for damages—

"(A) for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of the handgun is unlawful under this section; or

"(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a handgun.

"(8) For purposes of this subsection, the term 'chief law enforcement officer' means

the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.

"(9) The Secretary shall take necessary actions to ensure that the provisions of this subsection are published and disseminated to licensed dealers, law enforcement officials, and the public.".

(2) HANDGUN DEFINED.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(29) The term 'handgun' means—

"(A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.".

(b) PERMANENT PROVISION.—Section 922 of title 18, United States Code, as amended by subsection (a)(1), is amended by adding at the end the following:

"(t)(1) Beginning on the date that is 30 days after the Attorney General notifies licensees under section ___03(e) of the Brady Handgun Violence Prevention Act that the national instant criminal background check system is established, a licensed importer, licensed manufacturer, or licensed dealer shall not transfer a firearm to any other person who is not licensed under this chapter, unless—

"(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section ___03 of that Act;

"(B)(i) the system provides the licensee with a unique identification number; or

"(ii) 3 business days (meaning a day on which State offices are open) have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section; and

"(C) the transferor has verified the identity of the transferee by examining a valid identification document (as defined in section 1028(d)(1) of this title) of the transferee containing a photograph of the transferee.

"(2) If receipt of a firearm would not violate section 922 (g) or (n) or State law, the system shall—

"(A) assign a unique identification number to the transfer;

"(B) provide the licensee with the number; and

"(C) destroy all records of the system with respect to the call (other than the identifying number and the date the number was assigned) and all records of the system relating to the person or the transfer.

"(3) Paragraph (1) shall not apply to a firearm transfer between a licensee and another person if—

"(A)(i) such other person has presented to the licensee a permit that—

"(I) allows such other person to possess or acquire a firearm; and

"(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

"(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by such other person would be in violation of law;

"(B) the Secretary has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

"(C) on application of the transferor, the Secretary has certified that compliance with paragraph (1)(A) is impracticable because—

"(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

"(ii) the business premises of the licensee at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer (as defined in subsection (s)(8)); and

"(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

"(4) If the national instant criminal background check system notifies the licensee that the information available to the system does not demonstrate that the receipt of a firearm by such other person would violate subsection (g) or (n) or State law, and the licensee transfers a firearm to such other person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

"(5) If the licensee knowingly transfers a firearm to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer and, at the time such other person most recently proposed the transfer, the national instant criminal background check system was operating and information was available to the system demonstrating that receipt of a firearm by such other person would violate subsection (g) or (n) or State law of this section, the Secretary may, after notice and opportunity for a hearing, suspend for not more than 6 months or revoke any license issued to the licensee under section 923, and may impose on the licensee a civil fine of not more than $5,000.

"(6) Neither a local government nor an employee of the Federal Government or of any State or local government, responsible for providing information to the national instant criminal background check system shall be liable in an action at law for damages—

"(A) for failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful under this section; or

"(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a firearm.".

(c) PENALTY.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "paragraph (2) or (3) of"; and

(2) by adding at the end the following:

"(5) Whoever knowingly violates subsection (s) or (t) of section 922 shall be fined not more than $1,000, imprisoned for not more than 1 year, or both.".

SEC. ___03. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

(a) DETERMINATION OF TIMETABLES.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall—

(1) determine the type of computer hardware and software that will be used to operate the national instant criminal background check system and the means by which State criminal records systems and the telephone or electronic device of licensees will communicate with the national system;

(2) investigate the criminal records system of each State and determine for each State a timetable by which the State should be able to provide criminal records on an on-line capacity basis to the national system; and

(3) notify each State of the determinations made pursuant to paragraphs (1) and (2).

(b) ESTABLISHMENT OF SYSTEM.—

(1) DETERMINATIONS.—Not later than the date that is 24 months after the date of enactment of this Act, the Attorney General shall determine whether—

(A) the equipment used to link State criminal history records systems to the national criminal history records system and the equipment necessary to operate the national instant criminal background check system are operational; and

(B) any group of States that—

(i) have at least 80 percent of the population of the United States; and

(ii) have reported during a 12-month period at least 80 percent of the number of crimes of violence reported by all of the States during that period,

have achieved and maintained in each State at least 80 percent currency of case dispositions in computerized criminal history files for all cases in which there has been an event of activity within the last 5 years; and

(C) if such determinations are made in the affirmative, the Attorney General shall certify that the national system is established.

(2) ESTABLISHMENT.—If the Attorney General makes an affirmative finding with respect to the matters described in paragraph (1) (A) and (B), the Attorney General shall establish a national instant criminal background check system that any licensee may contact, by telephone and by other electronic means in addition to the telephone, for information, to be supplied immediately, on whether receipt of a firearm by a prospective transferee would violate section 922 of title 18, United States Code or State law.

(c) EXPEDITED ACTION BY THE ATTORNEY GENERAL.—The Attorney General shall expedite—

(1) the upgrading and indexing of State criminal history records in the Federal criminal records system maintained by the Federal Bureau of Investigation;

(2) the development of hardware and software systems to link State criminal history check systems into the national instant criminal background check system established by the Attorney General pursuant to this section; and

(3) the current revitalization initiatives by the Federal Bureau of Investigation for technologically advanced fingerprint and criminal records identification.

(d) NOTIFICATION OF LICENSEES.—On establishment of the system under this section, the Attorney General shall notify each licensee and the chief law enforcement officer of each State of the existence and purpose of the system and the means to be used to contact the system.

(e) ADMINISTRATIVE PROVISIONS.—

(1) AUTHORITY TO OBTAIN OFFICIAL INFORMATION.—Notwithstanding any other law, the Attorney General may secure directly from any department or agency of the United States such information on persons for whom receipt of a firearm would violate subsection (g) or (n) of section 922 of title 18, United States Code or State law, as is necessary to enable the system to operate in accordance with this section. On request of the Attorney General, the head of such department or agency shall furnish such information to the system.

(2) OTHER AUTHORITY.—The Attorney General shall develop such computer software, design and obtain such telecommunications and computer hardware, and employ such personnel, as are necessary to establish and operate the system in accordance with this section.

(f) WRITTEN REASONS PROVIDED ON REQUEST.—If the national instant criminal

background check system determines that an individual is ineligible to receive a firearm and the individual requests the system to provide the reasons for the determination, the system shall provide such reasons to the individual, in writing, within 5 business days after the date of the request.

(g) CORRECTION OF ERRONEOUS SYSTEM INFORMATION.—If the system established under this section informs an individual contacting the system that receipt of a firearm by a prospective transferee would violate subsection (g) or (n) of section 922 of title 18, United States Code or State law, the prospective transferee may request the Attorney General to provide the prospective transferee with the reasons therefor. Upon receipt of such a request, the Attorney General shall immediately comply with the request. The prospective transferee may submit to the Attorney General information that to correct, clarify, or supplement records of the system with respect to the prospective transferee. After receipt of such information, the Attorney General shall immediately consider the information, investigate the matter further, and correct all erroneous Federal records relating to the prospective transferee and give notice of the error to any Federal department or agency or any State that was the source of such erroneous records.

(h) REGULATIONS.—After 90 days' notice to the public and an opportunity for hearing by interested parties, the Attorney General shall prescribe regulations to ensure the privacy and security of the information of the system established under this section.

(i) PROHIBITION RELATING TO ESTABLISHMENT OF REGISTRATION SYSTEMS WITH RESPECT TO FIREARMS.—No department, agency, officer, or employee of the United States may—

(1) require that any record or portion thereof generated by the system established under this section be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or political subdivision thereof; or

(2) use the system established under this section to establish any system for the registration of firearms, firearm owners, or firearm transactions or dispositions, except with respect to persons, prohibited by section 922 (g) or (n) of title 18, United States Code or State law, from receiving a firearm.

(j) DEFINITIONS.—As used in this section:

(1) LICENSEE.—The term "licensee" means a licensed importer (as defined in section 921(a)(9) of title 18, United States Code), a licensed manufacturer (as defined in section 921(a)(10) of that title), or a licensed dealer (as defined in section 921(a)(11) of that title).

(2) OTHER TERMS.—The terms "firearm", "handgun", "licensed importer", "licensed manufacturer", and "licensed dealer" have the meanings stated in section 921(a) of title 18, United States Code, as amended by subsection (a)(2).

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, may be appropriated from the Violent Crime Reduction Trust Fund established by section 1115 of title 31, United States Code, such sums as are necessary to enable the Attorney General to carry out this section.

SEC. ___04. REMEDY FOR ERRONEOUS DENIAL OF FIREARM.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 925 the following new section:

"§ 925A. Remedy for erroneous denial of firearm

"Any person denied a firearm pursuant to subsection (s) or (t) of section 922—

"(1) due to the provision of erroneous information relating to the person by any State or political subdivision thereof, or by the national instant criminal background check system established under section ___03 of the Brady firearm Violation Prevention Act; or

"(2) who was not prohibited from receipt of a firearm pursuant to subsection (g) or (n) of section 922,

may bring an action against the State or political subdivision responsible for providing the erroneous information, or responsible for denying the transfer, or against the United States, as the case may be, for an order directing that the erroneous information be corrected or that the transfer be approved, as the case may be. In any action under this section, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 925 the following new item:

"925A. Remedy for erroneous denial of firearm.".

SEC. ___05. RULE OF CONSTRUCTION.

This Act and the amendments made by this Act shall not be construed to alter or impair any right or remedy under section 552a of title 5, United States Code.

SEC. ___06. FUNDING FOR IMPROVEMENT OF CRIMINAL RECORDS.

(a) USE OF FORMULA GRANTS.—Section 509(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(1) in paragraph (2) by striking "and" after the semicolon;

(2) in paragraph (3) by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) the improvement of State record systems and the sharing with the Attorney General of all of the records described in paragraphs (1), (2), and (3) of this subsection and the records required by the Attorney General under section ___03 of the Brady Handgun Violence Prevention Act, for the purpose of implementing that Act.".

(b) ADDITIONAL FUNDING.—

(1) GRANTS FOR THE IMPROVEMENT OF CRIMINAL RECORDS.—The Attorney General, through the Bureau of Justice Statistics, shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used—

(A) for the creation of a computerized criminal history record system or improvement of an existing system;

(B) to improve accessibility to the national instant criminal background system; and

(C) upon establishment of the national system, to assist the State in the transmittal of criminal records to the national system.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under paragraph (1), may be appropriated from the Violent Crime Reduction Trust Fund established by section 1115 of title 31, United States Code, a total of $200,000,000 for fiscal year 1994 and all fiscal years thereafter.

SEC. ___07. WITHHOLDING OF DEPARTMENT OF JUSTICE FUNDS.

If the Attorney General does not certify the national instant criminal background check system pursuant to section ___03(a) by—

(1) 24 months after the date of enactment of this Act the general administrative funds appropriated to the Department of Justice for the fiscal year beginning in the calendar year in which the date that is 24 months after the date of enactment of this Act falls shall be reduced by 5 percent on a monthly basis; and

(2) 36 months after the date of enactment of this Act the general administrative funds appropriated to the Department of Justice for the fiscal year beginning in the calendar year in which the date that is 36 months after the date of enactment of this Act falls shall be reduced by 10 percent on a monthly basis.

SEC. ___08. WITHHOLDING STATE FUNDS.

Effective on the date of enactment of this Act, the Attorney General may reduce by up to 50 percent the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 of a State that is not in compliance with the timetable established for such State under section ___03(a).

TITLE ___—MULTIPLE FIREARM PURCHASES TO STATE AND LOCAL POLICE

SEC. ___01. REPORTING REQUIREMENT.

Section 923(g)(3) of title 18, United States Code, is amended—

(1) in the second sentence by inserting after "thereon," the following: ", and to the department of State police or State law enforcement agency of the State or local law enforcement agency of the local jurisdiction in which the sale or other disposition took place,";

(2) by inserting "(A)" after "(3)"; and

(3) by adding at the end thereof the following:

"(B) Except in the case of forms and contents thereof regarding a purchaser who is prohibited by subsection (g) or (n) of section 922 of this title from receipt of a firearm, the department of State police or State law enforcement agency or local law enforcement agency of the local jurisdiction shall not disclose any such form or the contents thereof to any person or entity, and shall destroy each such form and any record of the contents thereof no more than 20 days from the date such form is received. No later than the date that is 6 months after the effective date of this subparagraph, and at the end of each 6-month period thereafter, the department of State police or State law enforcement agency or local law enforcement agency of the local jurisdiction shall certify to the Attorney General of the United States that no disclosure contrary to this subparagraph has been made and that all forms and any record of the contents thereof have been destroyed as provided in this subparagraph.".

TITLE ___—FEDERAL FIREARMS LICENSE REFORM

SEC. ___01. SHORT TITLE.

This title may be cited as the "Federal Firearms License Reform Act of 1993".

SEC. ___02. PREVENTION OF THEFT OF FIREARMS.

(a) COMMON CARRIERS.—Section 922(e) of title 18, United States Code, is amended by adding at the end the following: "No common or contract carrier shall require or cause any label, tag, or other written notice to be placed on the outside of any package, luggage, or other container that such package, luggage, or other container contains a firearm.".

(b) RECEIPT REQUIREMENT.—Section 922(f) of title 18, United States Code, is amended—

(1) by inserting "(1)" after "(f)"; and

(2) by adding at the end the following new paragraph:

"(2) It shall be unlawful for any common or contract carrier to deliver in interstate or foreign commerce any firearm without obtaining written acknowledgement of receipt from the recipient of the package or other container in which there is a firearm.".

(c) UNLAWFUL ACTS.—Section 922 of title 18, United States Code, as amended by section ___02(b), is amended by adding at the end the following new subsection:

"(u) It shall be unlawful for a person to steal or unlawfully take or carry away from the person or the premises of a person who is licensed to engage in the business of importing, manufacturing, or dealing in firearms, any firearm in the licensee's business inventory that has been shipped or transported in interstate or foreign commerce.".

(d) PENALTIES.—Section 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(i)(1) A person who knowingly violates section 922(u) shall be fined not more than $10,000, imprisoned not more than 10 years, or both.

"(2) Nothing contained in this subsection shall be construed as indicating an intent on the part of Congress to occupy the field in which provisions of this subsection operate to the exclusion of State laws on the same subject matter, nor shall any provision of this subsection be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this subsection.".

SEC. ___03. LICENSE APPLICATION FEES FOR DEALERS IN FIREARMS.

Section 923(a)(3) of title 18, United States Code, is amended—

(1) in subparagraph (B) by striking "a pawnbroker dealing in firearms other than" and inserting "not a dealer in";

(2) in subparagraph (B) by striking "$25 per year" and inserting "$200 for 3 years, except that the renewal of a valid license shall be $90 for 3 years."; and

(3) by striking subparagraph (C).

MENTAL INSTITUTIONS

Section 503(a) of title I of the Omnibus Safe Streets and Crime Control Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following new paragraph:

"(12) A certification that the State has established a plan under which the State will provide to the Department of Justice, without fee—

"(A) within 30 days after the date on which any person in the State is adjudicated as a mental defective or committed to a mental institution, notice of the adjudication or commitment; and

"(B) with 30 days after the date on which the Department of Justice requests it, a copy of the certified record of the adjudication or commitment.".

RECESS SUBJECT TO THE CALL OF THE CHAIR

The ACTING PRESIDENT pro tempore. In my capacity as a Senator from Hawaii, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 11:49 a.m., recessed subject to the call of the Chair; whereupon, at 3:20 p.m. the Senate reassembled when called to order by the Presiding Officer [Mr. LIEBERMAN].

The PRESIDING OFFICER. The Chair recognizes the Senate Republican leader.

Mr. DOLE. Mr. President, we are waiting for one Senator with reference to the Brady bill matters. Perhaps rather than to waste time, I could give my statement on the end of the session review which I will do at this time.

END OF SESSION REVIEW

Mr. DOLE. Mr. President, 10 months ago, on January 21, I outlined the priorities of the Senate Republicans for the first session of the 103d Congress, and I pledged that when President Clinton advanced policies that moved America in the right direction, then he could count on Republican support.

But I also said that we remained committed to Republican principles of less taxes, less spending, less government, less regulation, and a strong and secure America. And when President Clinton moved America away from these principles, then we would stand our ground.

As this session comes to a close, I believe it is clear that we have remained true to those words.

Although there are still a few who like to point at Republicans and holler "gridlock," I think any objective review makes it clear that Republicans have worked responsibly with President Clinton when it was in the best interests of the country.

This cooperation started almost immediately after President Clinton's inauguration, when the Senate moved with record speed to approve President Clinton's Cabinet nominations.

We have continued that cooperation throughout the session—approving nearly 500 Presidential nominations.

Senate Republicans have fought for many years to adopt the toughest crime bill possible. And we worked with President Clinton and the majority to adopt legislation which contained tough Republican provisions, including truth-in-sentencing, prison construction, violence against women, and antigang statutes. And it's important to note that this legislation is paid for.

Republicans have praised President and Mrs. Clinton for placing health care reform on top of our national agenda, and we have played a very constructive role in the initial stages of what will be a lengthy national debate.

Senator CHAFEE, Senator NICKLES, and Senator GRAMM have all been joined by Republican Senators introducing comprehensive and meaningful reform plans.

And in the coming months, I believe you can look for continued Republican leadership, as we seek to unite behind a plan that fixes the parts of our health care delivery system that needs to be fixed, while preserving the quality and choice that have made our system the best in the world.

Another example of bipartisan cooperation worth mentioning occurred this summer, when flood waters ravaged the midwest. Republicans and Democrats worked quickly to ensure that the flood victims would receive assistance in getting back on their feet.

And when it became apparent that the Russian Government needed our assistance to ensure that their new democracy would stay on its feet, Republicans worked for the quick adoption of a Russian reconstruction package.

The prime example of Republican cooperation with President Clinton, however, is the North American Free-Trade Agreement. In both the House and the Senate, the President depended upon Republican leadership to break the gridlock which was occurring in his own party.

Many in the media said that losing the NAFTA vote would have been fatal to President Clinton's administration. Yet, Republicans never wavered in doing what was right for America, and in providing the President with the support and the votes needed to adopt this historic agreement.

And just as President Clinton has had disagreements with members of his own party, he also has had disagreements with Republicans—most notably on his prescription for more taxes and more spending.

It was not partisan politics that led to this disagreement, rather, it was a fundamental difference in philosophy.

When it comes to the economy, the President honestly and sincerely believes that Uncle Sam knows best, and that the road to prosperity is paved with the largest tax increase in American history, more spending, more Government programs, and more mandates and regulations imposed on our small businessmen and women.

Every single Senate Republican united against this philosophy. But we did more than simply throw rocks at the President's plan, we listened to the American people's call to cut spending first, and we offered responsible alternatives.

When the President proposed a so-called emergency stimulus spending program that wasn't needed and that he simply charged to future generations, the Republicans offered an alternative that was paid for, and that addressed legitimate funding needs.

And when the President refused that offer, we stood firm for America's taxpayers, and saved them $11 billion.

When we return in January, Republicans intend to hold the President to the promise he made to obtain the necessary Democrat votes to pass his massive tax increase—a promise that he would propose a package of real and meaningful spending cuts.

Throughout the next session, Republicans will continue to insist that Government should learn to live within its

income and without so much of the income of the American taxpayers.

And while Republicans believe that partisanship does stop at the water's edge, we have joined with many Americans in raising concerns about the direction of the Clinton foreign policy in Somalia, Haiti, and Bosnia, and in insisting that the priorities of the United States not be sacrificed to the priorities of the United Nations.

Mr. President, I believe that Republicans can look back at this session and take pride in the stands we took and the progress we made. By sticking to our principles and sticking together, Republicans made a difference for the American people.

Make no mistake, there is much more work to be done when we return in January, and we intend to continue to work with the President when we believe he is right, and to speak out and offer responsible alternatives when we believe he is wrong.

Finally, on behalf of my 43 Republican colleagues, I want to wish the President and all those on the other side of the aisle a happy and healthy holiday season.

I might say this was written before I knew we were coming back next week. I still wish a happy Thanksgiving.

The PRESIDING OFFICER. The Chair recognizes the Senate majority leader.

Mr. MITCHELL. Mr. President, when this session began, Congress and the new Clinton-Gore administration pledged to work together to address the real needs of the American people. This session has seen us do that. We have real accomplishments completed and equally significant actions under way for next year.

In one of our first actions, we passed the Family and Medical Leave Act, a bill vetoed by President Bush but signed by President Clinton.

This landmark legislation benefits working families. For the first time, the Federal Government is acknowledging that the family responsibilities of America's workers are important. Workers worried about sick children cannot be productive. This bill gives both employers and workers the mechanism they need to make sure workers can work without distraction on the job, because they have been able to properly take care of their family responsibilities. That is valuable for American productivity and it is essential to maintaining our families.

The Congress took on the budget deficit with the passage of a historic deficit reduction bill. The $500 billion deficit reduction package is a fair, progressive plan which shifts the tax burden away from working class families, provides job creating opportunities for small businesses and industry, and encourages economic growth.

The budget package was a fair and responsible first step to restrain the deficit without provoking an economic downturn. Over the years to come, it will bolster the economy and help to ensure greater fiscal security for future generations.

We know it is just a first step, but it was a necessary and carefully calibrated one.

As part of the deficit reduction plan, Congress significantly broadened the earned income tax credit. The goal of this tax credit is to make certain that every American earns more by working than by going on welfare. Persons in low-income jobs deserve the dignity of being able to put a roof over their families' heads and food on the table. When low wages alone do not allow a worker to fulfill that minimal responsibility for her family, the incentive to work is undermined and devalued.

Speeches about the work ethic do not change the reality that too many working Americans simply do not earn enough to care for their families. Preaching the work ethic at a woman who works through the night cleaning office buildings at the minimum wage is not an answer. The earned income tax credit is. It rewards work, not welfare. It allows the worker to earn the dignity of being self-supporting. And it puts into concrete form the value that our Nation places on the work ethic.

We enacted one of the President's principal goals by the approval of the National and Community Service Trust Act. This proposal will provide an opportunity for young people to get an education after performing significant, meaningful work of benefit to the community. It represents an investment in our Nation's present and, more importantly, in its future.

This Congress also addressed the health care concerns of women. The reauthorization of the National Institutes of Health, a bill vetoed by President Bush, was passed again and signed into law by President Clinton.

The bill will make certain that medical research involves both male and female subjects in the future, rather than assuming that new therapies will have identical effects and results on women and men.

It also targets funds to breast cancer research and other conditions uniquely afflicting women. It is a needed redirection of health research funds to areas that have suffered neglect in the past.

President Clinton followed through on his campaign promise and acted to lift the gag rule which prevented reproductive health care providers from giving low-income women the information and counseling that wealthier women take for granted.

At the close of the session, the Senate passed the Freedom of Access to Clinics Act, legislation designed to prevent the harassment, violence, vandalism, and intimidation of abortion providers, workers, and patients. The issue of abortion may be controversial for many, but there cannot be any argument that there is a right to intimidate those who disagree or a right to destroy facilities such as clinics.

Congress has been working to improve the American economy by expanding opportunities to trade with foreign nations. Just last week, both Houses passed the implementing legislation for the North American Free-Trade Agreement.

The NAFTA provides the United States with significant new opportunities for the future: Expanded markets for American products in this hemisphere, more American jobs from higher export levels, and the growth of prosperity in the hemisphere which will ultimately reduce illegal immigration as a problem.

We did not fall prey to the politics of isolationism or fear. Rather, we looked to the future and did what is right for America and America's workers. The North American Free-Trade Agreement will define the U.S. role in the global economy and in world affairs well into the 21st century. We have chosen to embrace the economic challenges of this post-cold-war world, and in the future we will reap the benefits of our decision.

Although we have made much progress in turning around the recession that crippled our country for too long, we still have a long way to go. Unemployment has remained too high. Congress acted in March and again this month to extend the emergency unemployment compensation program in an effort to help the long-term unemployed.

We must take action soon to develop the job retraining and worker programs that are needed to help Americans move into the new job market that the postindustrial revolution will create.

And finally at the end of this year, the Senate acted responsively and appropriately to address a problem that Americans from all across the country are concerned about: Violent crime, unrestrained gun violence in our city streets, schools into which children smuggle weapons each day, a society in which basic fundamental civility seems on the verge of being lost.

The Senate's comprehensive crime control legislation addresses the problem of crime and random violence.

The Senate bill provides $22 billion to the violent crime prevention trusts fund. For the first time in many years, the legislation directs the resources to State and local authorities where almost all of those who commit acts of criminal violence are apprehended and prosecuted. As a result of this legislation, 100,000 more police will be on the streets to assist communities in preventing and fighting crime.

It will provide $3 billion to turn existing Federal facilities into boot

camps where first-time nonviolent drug offenders can be incarcerated, to end the revolving door system of justice where addicts are jailed and other addicts are released back onto the streets.

It will fund drug courts, an approach that seeks to cure addicts of their addiction and return them to society as persons who have some incentive to find and keep honest work and make decent lives for themselves.

The bill funds the Violence Against Women Act, legislation that will substantially augment the ability of courts to deal with domestic violence and will give communities the resources to take preventive safety action in areas where crimes against women are endemic—bus stations, public transit areas, college campuses.

Both Houses of Congress have also passed the Brady bill, an important first step in ensuring that those who are not entitled to carry guns—convicted felons and those with certain mental illnesses—will not be able to purchase them legally. I remain hopeful that this measure can be enacted into law before we adjourn this year.

As we have acted to improve the lives of Americans, we have also worked to open up the political process to make it easier for all Americans to participate in our Government.

Enactment of the National Voter Registration Act, known as the motor-voter bill, will make it easier for working men and women to register to vote. People will be able to register to vote as easily as they can register their car. In last year's election, Maine had the highest rate of voter participation, something I am very proud of. This law will make it as easy for citizens of all our States to register and to vote as it is for the people of Maine.

The Hatch Act, which expands the opportunities for Federal employees to participate in the political process, was also enacted. No longer must Americans who work for the Federal Government give up their right to work for and support political candidates as a condition of employment. This change in the law retains safeguards to prevent Government employees from using their positions to advance political agendas, but gives Federal workers the same basic political rights as all other American citizens. It was a long overdue step.

The Senate passed a substantive campaign finance reform bill which, when enacted, will significantly change the way congressional campaigns are run.

It includes the essential element of true campaign finance reform: campaign spending limits. This bill will help to even the playing field by reducing the role of money in Federal election campaigns. Challengers who pose a serious and attractive alternative will no longer be hopelessly outspent by incumbents. They will have a chance to have their messages heard and judged by voters, all that any candidate can expect.

In May, the Senate passed the most sweeping lobbying reform bill since World War II. It replaces the existing array of disclosure laws with a single, uniform, tough law. The bill closes loopholes to ensure that all professional lobbyists are registered and streamlines disclosure requirements to make sure that meaningful information is disclosed and needless reporting burdens are avoided.

The Joint Committee on Congressional Reform has recommended changes in the way we conduct much of the business in the Congress. I look forward to completing action on those reform measures as well as campaign finance and lobbying reforms in the 103d Congress.

Next year, Congress will consider measures to streamline Government services and programs to reduce waste and inefficiency. The President and Vice President have proposed extensive changes to improve the way the Federal Government conducts its operations.

So this has been a productive session, well beyond what many would have predicted just half a year ago. We have made substantial progress on many fronts.

But the most significant step we have taken this year is not yet law: We have laid the groundwork for serious congressional action on comprehensive health care legislation.

Last year, the question was "if" we should consider health care. That question has been answered in the affirmative. The question this year and next is not "if," it is "how."

Too many Americans have the most basic decisions of their lives dominated, indeed dictated, by health care cost considerations. Whether to marry. Whether to have children. Where to work. Where to live.

These fundamental decisions should not be dictated by concerns about health insurance. But under the current system, they are.

President Clinton has given the highest possible priority and visibility to this issue. He has advanced a plan which will ensure meaningful access to quality health care for all Americans and control the rapidly escalating costs of health care.

Legislation to achieve these goals has been introduced in both Chambers.

Next year, Democrats and Republicans will work together to enact health reform legislation and eliminate for Americans the anxieties associated with getting and losing health insurance.

Looking outside of our country, world crises over the past year have raised important questions about the relationship between Congress and the executive branch regarding the deployment of U.S. Armed Forces abroad and their participation in U.N. peacekeeping operations.

The situations in Somalia, Bosnia, and Haiti have demonstrated that the end of the cold war has brought international instability and demands for international peacekeeping operations.

Today, the United States faces the unique challenge of leading the world in focusing international institutions to address these new realities. To ascertain how best our Nation can meet this new challenge, we have initiated a comprehensive review of the proper role of U.S. Armed Forces in the post-cold-war world, and the implications for U.S. foreign policy.

It is my hope that in the next session, we will complete this review and establish a clear process by which we can determine the appropriateness of U.S. involvement, and properly accommodate legislative and executive branch prerogatives.

Also in the second session, we must continue to reduce the deficit while helping to expand the economy. Unemployment remains too high; too many businesses are still struggling. We must continue to enact meaningful economic reforms which will create jobs and address the problems which still face our Nation.

In addition to reforming our health care system, we must also reform our immigration system. We must seek an appropriate balance between the benefits of our melting pot society and our country's ability to support an ever-increasing population. We must put an end to illegal immigration, and work to improve the system by which people become legal immigrants.

We must also reform our welfare system. President Clinton has pledged to "end welfare as we know it." We must work to redesign the system so that it provides a safety net for those in need, but also provides people with the skills and services they need to become productive, working members of our society.

Finally, we must enact education legislation. The President's Goals 2000 plan will set national education performance standards to ensure that all American students are receiving quality education. We must also examine the costs of pursuing higher education and create innovative responses to this problem. I have already announced that Goals 2000 will be among the first bills considered in the second session.

This first session of the 103d Congress has been highly productive. If we continue at this pace, I believe that the 103d Congress will go down in history as one of the most productive in modern times.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I now ask unanimous consent that when the

Senate completes its business today, it stand in recess until Friday, November 26, at 11 a.m., for a pro forma session only; that when the Senate completes its business on that day, it stand adjourned until Tuesday, November 30, at 5 p.m.; that immediately following the prayer, the Journal of proceedings be deemed approved to date, that no motions or resolutions come over under the rule, the call of the calendar be waived; and the morning hour be deemed to have expired; the time for the two leaders be reserved for their use later in the day; that upon the appointment of the Chair, the Senate proceed to the consideration of House Concurrent Resolution 190, the adjournment resolution; that upon its reporting, Senator DOLE be recognized to offer an amendment to the adjournment resolution directing the enrolling clerk to make changes in the enrollment of the conference report on H.R. 1025, the Brady bill, which the Chair will immediately rule on; that if the Chair's ruling is appealed, there then be 1 hour for debate equally divided between Senators BIDEN and DOLE or their designees on the appeal of the Chair's ruling; that at 6 p.m., the Senate vote on or in relation to the appeal, if it is made; that upon the conclusion of that vote, the Senate vote on the motion to invoke cloture on the conference report on H.R. 1025, the Brady bill, with the preceding occurring without any intervening action or debate; that if cloture is invoked, the Senate, without any intervening action or debate, vote on passage of the conference report and that upon the disposition of the conference report, House Concurrent Resolution 190, the adjournment resolution, be agreed to as amended, to provide for the House adjournment; that the Senate then consider and agree to House Joint Resolution 300, that the motions to reconsider be laid on the table en bloc, and the Senate stand adjourned sine die under the provisions of House Concurrent Resolution 190; that if cloture is not invoked on Tuesday, the Senate immediately stand in recess until 11 a.m. on Wednesday, December 1; that the time for the two leaders be reserved for their use later in the day, that the Senate resume consideration of House Concurrent Resolution 190, and Senator DOLE be recognized to offer another amendment to the adjournment resolution to change the enrollment of the conference report on H.R. 1025, the Brady bill, which the Chair will immediately rule on; that if the ruling of the Chair is appealed, there then be 1 hour for debate equally divided between Senators BIDEN and DOLE; that at 12 noon the Senate vote on or in relation to the appeal of the Chair's ruling; that immediately following that vote, the Senate vote on the second motion to invoke cloture on the conference report on H.R. 1025, the Brady bill, with the preceding occurring without any intervening action or debate; that if cloture is invoked, the Senate vote without any intervening action or debate on adoption of the conference report; that upon the disposition of the conference report or the failure of the second cloture vote, House Concurrent Resolution 190 be immediately considered and agreed to, as amended, to provide for the adjournment of the House; that the Senate then consider and agree to House Joint Resolution 300; that the motion to reconsider be laid on the table en bloc, with the preceding all occurring without any intervening action or debate, and the Senate then adjourn sine die in accordance with the provisions of House Concurrent Resolution 190; that when the Senate reconvenes for the session of the 103d Congress on January 25, 1994, at 12 noon, the call of the calendar be waived, no resolutions or motions come over under the rule, morning hour be deemed to have expired; that immediately after the prayer, the Senate conduct a vote on a motion to instruct the Sergeant at Arms to request the presence of absent Senators, and that the quorum calls prior to the cloture votes referenced in this agreement under the provisions of rule XXII be waived.

The PRESIDING OFFICER. Is there objection? The Senate Republican leader.

Mr. DOLE. Reserving the right to object, I have just a couple of questions I had not noted. It occurs twice that "the Brady bill, which the Chair will immediately rule on," when I offer "an amendment to the adjournment resolution directing the enrolling clerk to make changes in the enrollment of the conference report * * * which the Chair will * * * rule on."

Is there any time for debate after the amendment is offered?

The PRESIDING OFFICER. The agreement provides for 1 hour of debate on an appeal from the ruling of the Chair.

Mr. DOLE. And then, in the event that the appeal of the ruling of the Chair prevails, what happens? It says if it does not prevail. It does not say what happens if it does prevail. I assume that amendment is pending and would be disposed of?

The PRESIDING OFFICER. The Senate majority leader.

Mr. MITCHELL. My understanding is, in that event, we would have the cloture vote in any event.

Mr. President, in response to the distinguished Republican leader's question, it is my understanding that if the Chair rules that Senator DOLE's amendment to the adjournment resolution offered on Tuesday under this agreement, is not in order, then Senator DOLE appeals the ruling of the Chair and prevails in that appeal, in that event, we will proceed to the cloture vote at 6 p.m., or after the vote on the appeal. And if cloture is not invoked, then we would be on the adjournment resolution with the Dole amendment pending thereto. That would obviate the necessity of Senator DOLE offering the same amendment on Wednesday morning and the consideration of the adjournment resolution with the Dole amendment pending thereto would be interrupted by the second cloture vote on Wednesday.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the majority leader?

Mr. DOLE. Mr. President, I am not under any great illusion we might prevail. In the event, I wanted to raise the question so we would have some procedure to deal with it in case it did happen.

As I will indicate after agreement is reached, there is still some hope we could work it out. On that basis, it could happen. I appreciate the majority leader clarifying that point.

The PRESIDING OFFICER. Is there objection?

Mr. HATFIELD. Reserving the right to object, and at this moment I have every intention of objecting, but I would like to ask the majority leader a series of questions, just to clarify my understanding.

First of all, I am a supporter of the Brady bill. I like the House version. I felt that the Senate action was less than what I would have preferred. Nevertheless, we have gone through the process. We were three votes short necessary to bring cloture to bear on the Brady bill. I would like to ask the majority leader if we have any reason to believe that that vote situation will be the same or different on Tuesday and Wednesday?

And I ask that for a simple reason. A majority of this Senate is within 3 hours of their home. For some of us, it is a full day, and a day and a half for Alaska and Hawaii. I have been here ready to do the Senate business at any time necessary. I chose to remain here until we were certain that we were going to be concluded in our business.

Why are we putting this off until Tuesday and Wednesday instead of doing it today and tomorrow since the House voted this issue, asked for a conference committee on yesterday, worked through the day? I would think that possibly with the same timeframe, we ought to be able to retrieve those colleagues of ours who have gone home by at least tomorrow. Why put this off until Tuesday and Wednesday of next week when at this point in time one of our pro-Brady supporters will be out of the country? I have no plan at this time to return next Tuesday or Wednesday because I have made other plans on the basis that I expected to have the Senate business end this week.

So with that situation in hand, I am not being adversarial because the majority leader and I are on the same side of this issue, but I just want to ask about the logistics of why we have to put this off until Tuesday and Wednesday and not have it happen today or tomorrow before Thanksgiving?

Mr. MITCHELL. Mr. President, just as the distinguished Senator from Oregon has made plans for next Tuesday, a large number of Senators have made plans for tomorrow. As the Senator knows, I have tried very hard to conclude the work of this session of the Senate so that Senators could return to their homes for Thanksgiving.

As in almost every case, and certainly every week, I receive a large number of requests from Senators about their travel schedules. I am more familiar with the plane schedules of America than the person who writes the airline guide, I can assure them of that. In almost every case, the schedules are conflicting.

The very largest number of Senators urged me not to have any action in the Senate on the Wednesday preceding Thanksgiving because of the extreme difficulty of making other travel arrangements and being in a position to get home for Thanksgiving Day, back with their families in their States.

Second, I will say to the Senator, when we passed the bill last Saturday night, it was my sincere and deeply felt belief and expectation that a conference would occur and that the conference would produce a result acceptable to all and that we could voice vote in the Senate last night the conference report.

Now, there has been a lot of discussion about what happened, and I know the distinguished Republican leader is going to make a statement about his amendment and I am going to make a statement about my understanding with respect to the conference. But I wish to say to the Senator, until last evening, I had been expecting we would not be here today, and we would not be here tomorrow, and we would not be here next week. I was completely surprised by the fact that the result of the conference report was not agreeable to all concerned. Therefore, I have now been forced into the situation of making this decision this day.

I say to the Senator, whom I regard as a very good friend and for whom I have the highest regard, I really do not think it is feasible for me now to try to call 100 Senators back here for a session tomorrow. I just do not think it is feasible.

Mr. HATFIELD. If the Senator will yield, it will not be quite 100.

Mr. MITCHELL. Well, 90 or so. I think that while clearly any session beyond tonight is inconvenient to all Senators, it is probably—indeed, I am almost certain—less inconvenient to do it under the circumstances I have suggested.

Mr. HATFIELD. I thank the Senator. Would he yield to the real important part of my question, of the many facets of my question, and that is, does the leader expect there is any possibility of a change in that vote configuration, where we had 57 votes for cloture, on next Tuesday or Wednesday? Or what is the purpose of the exercise?

Mr. MITCHELL. As the Senator will recall, after we had 57 votes for cloture, 3 short of the total, we then voted on the bill, and 63 Senators voted for the bill. That action intervened between the two cloture votes and the current time. It is my hope that those Senators who have already cast a vote for the bill will, I hope, to be consistent with their vote, vote for cloture.

Mr. HATFIELD. I pursue it just a little bit further. Is there a head count? Is there a whip check? I have heard of one that indicates a number of those Senators who voted for the bill and against cloture are not going to vote any differently on the next cloture vote.

Mr. MITCHELL. Mr. President, I have not been here nearly as long as the Senator from Oregon, but I know this. When Senators do not want to come here for something, the very first thing they do is say what they will not do in the hopes of not having to come here to do that.

That may be the case. I do not know for certain the outcome of the vote. But if I take the position that I am not going to have a vote because some Senators say, well, I will not do it if you call it as a reason for not coming back, then I can say to the Senator—and Senators may like this—sessions of the Senate and votes in the Senate will be few and far between.

Mr. HATFIELD. I appreciate the problems and difficulties the majority leader faces, not only on this issue but others. I would only say that there are many times we make parliamentary decisions on the basis there are 41 votes that have been pledged to vote against something or for something, in reference to bringing up a bill or a cloture motion, and I just am only relying on that procedure which has been pretty well established over a number of years, more especially in the last year.

But I just want to say to the Senator I am very dubious that there is going to be—in fact, we could really in effect, because I know one pro vote that is out of the country, come up with lesser votes on a second go-round on this cloture as it relates to the Brady bill, which I think is not helpful to the ultimate kind of Brady bill that some of us would like to see happen. That is one person's opinion.

Mr. MITCHELL. I appreciate that very much, and I take the opinion of the Senator making it very seriously and to heart. Each Senator will have to decide for himself or herself what is important to them. I have learned long ago not to question Senators' judgments on whether they think it is more important to be in the Senate Chamber when we vote or in their office or in their State or in another country. I express no view on that.

I recognize the inconvenience to Senators, but I must say to the Senator I think that if all this boils down to a request to me not to have the vote because it will be inconvenient for some Senators and therefore they might not be here to vote, I simply do not feel that having given this matter careful consideration I can propose that course of action.

Mr. HATFIELD. I appreciate that. And I believe the majority leader and minority leader both would say I have never made such a request to fit my particular convenience on whether a vote should occur or not occur, and I am not making such a request now. I am more concerned about whether it will be a setback for the Brady bill to come up with fewer votes for a cloture motion on next Tuesday than the high mark of 57 we achieved only this last week.

I think there is reason to believe that that could possibly be the outcome. We do not get the Brady bill any different, we have a lower vote on cloture, and in the long term it has been a minus rather than a plus. I am looking now at the Brady bill per se rather than the convenience of any Senators.

Mr. MITCHELL. Mr. President, I simply say that if I adopt that approach and say let us forget it and go home, then there is no chance of the Brady bill becoming law this year or well into next year. Therefore, we all have to evaluate the advantages and disadvantages of a particular course of action. I think under the proposal I have made there is a chance it will become law this year. I have great respect for the Senator's views, but I think this is the proper course of action.

Mr. HATFIELD. If the Senator will yield, I should have prefaced my political prediction with the simple fact that I predicted Dewey's election in 1948.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The minority leader still has the floor.

The majority leader.

CLOTURE MOTIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that it now be in order to file the two cloture motions on the conference report on H.R. 1025, the Brady bill, as referenced in the agreement, the votes to occur next week.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Mr. HATFIELD. Mr. President, I do withdraw any objection that I had intended to make against the initial unanimous-consent request.

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

Mr. MITCHELL. Mr. President, I send the cloture motions to the desk.

The PRESIDING OFFICER. The cloture motions having been presented under rule XXII, the Chair directs the clerk to read the motions. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION NO. 1

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. 1025, the Brady handgun bill:

George Mitchell, Joe Biden, Dennis DeConcini, Jay Rockefeller, Harris Wofford, Daniel Inouye, Max Baucus, Bob Kerrey, Herb Kohl, Bob Graham, Daniel P. Moynihan, Patrick Leahy, Claiborne Pell, Joseph Lieberman, Bill Bradley, Dale Bumpers.

CLOTURE MOTION NO. 2

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. 1025, the Brady handgun bill:

George Mitchell, Joe Biden, Dennis DeConcini, Jay Rockefeller, Harris Wofford, Daniel Inouye, Max Baucus, Bob Kerrey, Herb Kohl, Bob Graham, Daniel P. Moynihan, Patrick Leahy, Claiborne Pell, Joseph Lieberman, Bill Bradley, Dale Bumpers.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to a Senate Concurrent Resolution which would correct the enrollment of the Brady conference report to include the Senate-passed bill, with certain changes, that the two leaders will jointly offer; that there be 10 minutes for debate equally divided between the two leaders or their designees, and that following the conclusion or yielding back of the time the concurrent resolution be deemed agreed to.

I further ask unanimous consent that once the House agrees to the concurrent resolution, without amendment, the conference report to accompany H.R. 1025, the Brady bill be deemed agreed to and the motion to reconsider be laid upon the table, all without any action or debate.

Mr. President, before anybody consents to this, I would like to just make a brief statement on what it does.

Mr. MITCHELL. Why do I not just reserve the right to object, and then the Senator can make the statement. I believe the Senator from Ohio is going to make a statement.

Mr. DOLE. Mr. President, the legislation on which I am seeking consent for Senate approval is that which passed the Senate by 63 votes—it could have been higher, I might add, if certain things had not happened—with the following changes:

First, on the so-called standards or the amount of data required to be in the instant check computer system, the case disposition or so-called accuracy is increased from 70 percent to 80 percent. This figure has been repeatedly sought by backers of waiting periods, the 80 percent figure. Just this morning, we checked with the FBI to determine whether any possibility exists to achieve these new, tougher standards in the 24 months prior to the start of the system. The FBI now believes it might, I repeat might, be possible.

This is a major concession. But, it is our hope that no more than 24 months pass prior to the start of a computerized background check being conducted on anyone seeking to purchase a firearm in the United States.

Keep in mind that there are already 18 million names out there that ought to be looked at before somebody gets a firearm. It seems to me that when we look at the instant check, it has a lot of advantages. They have the instant check in the State of Delaware, the State of Virginia, and other States.

Next, we have dropped the provisions on interstate face-to-face sales, antique firearms, mandatory minimum sentences for armed robbery of gun dealers even if death results, which we do not quite understand why there is an objection to that, and we also dropped the requirement that BATF notify licensees of rules changes.

We continue to strongly disagree with the views of the BATF on the effect of these provisions. I personally challenge the BATF to notify me of the number of reported cases in the last 5 years of previously convicted felons using a broomhandled Mauser in the commission of a crime. Unless there have been a large number of instances, the BATF objection to the antiques provision rests entirely on a completely false premise.

So I do not think we should hide behind the rhetoric. The status of the Brady bill is now crystal clear. I say to my friend from Oregon, who is not on the floor at this time, some of us are still hopeful—not all of us—on this side. We had cleared this consent agreement on our side of the aisle, and it was not too easy to do. I know it is going to be objected to on the other side of the aisle. There are some people who do not want anything to pass. There are some, maybe; not many.

It seems to me that, if we can figure out some way to deal with this, it can be done by the concurrent resolution. We can adopt many of the changes recommended in the conference yesterday. We would be back to the language suggested by the Senator from Ohio—4 years, plus another 12 months if the Attorney General says so, and we keep the waiting period at 24 months. That did not seem to be a big issue in the Senate. Everything else would be as agreed to. And on that basis there would be a big, big vote for the Brady bill as changed on this side of the aisle.

That would remove the entire package from the Senate when the House acted. They say they cannot act now. We cannot now either until we bring Members back. They can act when they bring Members back. We are not going to pass an adjournment resolution today, so they still have enough people around there to bring other people back. We could pass the Brady bill, as modified very slightly, in a matter of 1 week. Or the worst-case scenario, it would go from the Senate and it would pass in the House the first day they are back next year, January 25. I have already talked to the Republican leader about that, Congressman MICHEL.

So I want to make the record clear that there is an effort to get this issue behind us. There is an effort. Some of us have been there before. Some of us think there may be some way to do it.

As I indicated, I did call the President today about, I do not know, 2:30, 2:45, and indicated to him that there was, at least on our side—I think there is some interest on the other side, except for the parliamentary problems that were raised by the Speaker. The President said he had been informed by somebody in the House, well, if we did this, then the House could not act until early next year.

Well, they could act just as we are going to act next Tuesday and Wednesday. They could bring people back. It would pass, I assume, with an overwhelming vote on the House side.

So if people do not want to accept "yes" for an answer, then it is pretty hard to get an answer. I hope that between now and next Tuesday—it is a foregone conclusion that we are coming back on Tuesday—that we can reach some agreement.

I am going to ask that a copy of my resolution be printed in the RECORD, along with a copy of the amendment that I will offer next week. I will not offer the amendment today to the adjournment resolution. In the first place, it is not before us, I guess. In the second place, it may be that I would want to modify it in the event there is something to bring the Senate together. I would not want to send up a resolution, have the yeas and nays ordered, and then not be able to modify it further.

So I also ask unanimous consent that the amendment I intend to offer next week be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Just to print it.

Mr. METZENBAUM. I have no objection to the printing.

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

At the appropriate place, add the following:

That the Enrolling Clerk of the House of Representatives is directed to make the following change in the enrollment of H.R. 1025:

Strike all after the enacting clause and insert the following:

TITLE —BRADY HANDGUN CONTROL

SEC. 01. SHORT TITLE.

This title may be cited as the "Brady Handgun Violence Prevention Act".

SEC. 02. FEDERAL FIREARMS LICENSEE REQUIRED TO CONDUCT CRIMINAL BACKGROUND CHECK BEFORE TRANSFER OF FIREARM TO NONLICENSEE.

(a) INTERIM PROVISION.—

(1) IN GENERAL.—Section 922 of title 18, United State Code, is amended by adding at the end the following:

"(s)(1) Beginning on the date that is 90 days after the date of enactment of this subsection and ending either on the day before the date that is 48 months after such date of enactment unless the Attorney General extends the date or on the day that the Attorney General notifies the licensees in all the states under section _____03(d) of the Brady Handgun Violence Prevention Act, whichever occurs earlier, it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer a handgun to an individual who is not licensed under section 923, unless—

"(A) after the most recent proposal of such transfer by the transferee—

"(i) the transferor has—

"(I) received from the transferee a statement of the transferee containing the information described in paragraph (3);

"(II) verified the identity of the transferee by examining the identification document presented;

"(III) within 1 day after the transferee furnishes the statement, provided notice of the contents of the statement to the chief law enforcement officer of the place of residence of the transferee; and

"(IV) within 1 day after the transferee furnishes the statement, transmitted a copy of the statement to the chief law enforcement officer of the place of residence of the transferee; and

"(ii)(I) 5 business days (meaning days on which State offices are open) have elapsed from the date the transferor furnished notice of the contents of the statement to the chief law enforcement officer, during which period the transferor has not received information from the chief law enforcement officer that receipt or possession of the handgun by the transferee would be in violation of Federal, State, or local law; or

"(II) the transferor has received notice from the chief law enforcement officer that the officer has no information indicating that receipt or possession of the handgun by the transferee would violate Federal, State, or local law;

"(B) the transferee has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the 10-day period ending on the date of the most recent proposal of such transfer by the transferee, stating that the transferee requires access to a handgun because of a threat to the life of the transferee or of any member of the household of the transferee;

"(C)(i) the transferee has presented to the transferor a permit that—

"(I) allows the transferee to possess or acquire a handgun; and

"(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

"(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of the law;

"(D) the law of the State requires that, before any licensed importer, licensed manufacturer, or licensed dealer completes the transfer of a handgun to an individual who is not licensed under section 923, an authorized government official verify that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of law;

"(E) the Secretary has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

"(F) on application of the transferor, the Secretary has certified that compliance with subparagraph (A)(i)(III) is impracticable because—

"(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

"(ii) the business premises of the transferor at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer; and

"(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

"(2) A chief law enforcement officer to whom a transferor has provided notice pursuant to paragraph (1)(A)(i)(III) shall make a reasonable effort to ascertain within 5 business days whether receipt or possession would be in violation of the law, including research in whatever State and local recordkeeping systems are available and in a national system designated by the Attorney General.

"(3) The statement referred to in paragraph (1)(A)(i)(I) shall contain only—

"(A) the name, address, and date of birth appearing on a valid identification document (as defined in section 1028(d)(1)) of the transferee containing a photograph of the transferee and a description of the identification used;

"(B) a statement that transferee—

"(i) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

"(ii) is not a fugitive from justice;

"(iii) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

"(iv) has not been adjudicated as a mental defective or been committed to a mental institution;

"(v) is not an alien who is illegally or unlawfully in the United States;

"(vi) has not been discharged from the Armed Forces under dishonorable conditions; and

"(vii) is not a person who, having been a citizen of the United States, has renounced such citizenship;

"(C) the date the statement is made; and

"(D) notice that the transferee intends to obtain a handgun from the transferor.

"(4) Any transferor of a handgun who, after such transfer, receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee violates Federal, State, or local law shall, within 1 business day after receipt of such request, communicate any information related to the transfer the transferor has about the transfer and the transferee to—

"(A) the chief law enforcement officer of the place of business of the transferor; and

"(B) the chief law enforcement officer of the place of residence of the transferee.

"(5) Any transferor who receives information, not otherwise available to the public, in a report under this subsection shall not disclose such information except to the transferee, to law enforcement authorities, or pursuant to the direction of a court of law.

"(6)(A) Any transferor who sells, delivers, or otherwise transfers a handgun to a transferee shall retain the copy of the statement of the transferee with respect to the handgun transaction, and shall retain evidence that the transferor has complied with subclauses (III) and (IV) of paragraph (1)(A)(i) with respect to the statement.

"(B) Unless the chief law enforcement officer to whom a statement is transmitted under paragraph (1)(A)(i)(IV) determines that a transaction would violate Federal, State, or local law—

"(i) the officer shall, within 20 business days after the date the transferee made the statement on the basis of which the notice was provided, destroy the statement, any record containing information derived from the statement, and any record created as a result of the notice required by paragraph (1)(A)(i)(III);

"(ii) the information contained in the statement shall not be conveyed to any person except a person who has a need to know in order to carry out this subsection; and

"(iii) the information contained in the statement shall not be used for any purpose other than to carry out this subsection.

"(C) If a chief law enforcement officer determines that an individual is ineligible to receive a handgun and the individual requests the officer to provide the reason for such determination, the officer shall provide such reasons to the individual in writing within 20 business days after receipt of the request.

"(7) A chief law enforcement officer or other person responsible for providing criminal history background information pursuant to this subsection shall not be liable in an action at law for damages—

"(A) for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of the handgun is unlawful under this section; or

"(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a handgun.

"(8) For purposes of this subsection, the term 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.

"(9) The Secretary shall take necessary actions to ensure that the provisions of this subsection are published and disseminated to licensed dealers, law enforcement officials, and the public.".

(2) HANDGUN DEFINED.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(29) The term 'handgun' means—

"(A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.".

(b) PERMANENT PROVISION.—Section 922 of title 18, United States Code, as amended by subsection (a)(1), is amended by adding at the end the following:

"(t)(1) Beginning on the date that is 30 days after the Attorney General notifies licensees under section ___03(e) of the Brady Handgun Violence Prevention Act that the national instant criminal background check system is established, a licensed importer, licensed manufacturer, or licensed dealer shall not transfer a firearm to any other person who is not licensed under this chapter, unless—

"(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section ___03 of that Act;

"(B)(i) the system provides the licensee with a unique identification number; or

"(ii) 3 business days (meaning a day on which State offices are open) have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section; and

"(C) the transferor has verified the identity of the transferee by examining a valid identification document (as defined in section 1028(d)(1) of this title) of the transferee containing a photograph of the transferee.

"(2) If receipt of a firearm would not violate section 922 (g) or (n), or state law the system shall—

"(A) assign a unique identification number to the transfer;

"(B) provide the licensee with the number; and

"(C) destroy all records of the system with respect to the call (other than the identifying number and the date the number was assigned) and all records of the system relating to the person or the transfer.

"(3) Paragraph (1) shall not apply to a firearm transfer between a licensee and another person if—

"(A)(i) such other person has presented to the licensee a permit that—

"(I) allows such other person to possess or acquire a firearm; and

"(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

"(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by such other person would be in violation of law;

"(B) the Secretary has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

"(C) on application of the transferor, the Secretary has certified that compliance with paragraph (1)(A) is impracticable because—

"(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

"(ii) the business premises of the licensee at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer (as defined in subsection (s)(8)); and

"(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

"(4) If the national instant criminal background check system notifies the licensee that the information available to the system does not demonstrate that the receipt of a firearm by such other person would violate subsection (g) or (n) or state law, and the licensee transfers a firearm to such other person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

"(5) if the licensee knowingly transfers a firearm to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer and, at the time such other person most recently proposed the transfer, the national instant criminal background check system was operating and information was available to the system demonstrating that receipt of a firearm by such other person would violate subsection (g) or (n) or state law of this section, the Secretary may, after notice and opportunity for a hearing, suspend for not more than 6 months or revoke any license issued to the licensee under section 923, and may impose on the license a civil fine of not more than $5,000.

"(6) Neither a local government nor an employee of the Federal Government or of any State or local government, responsible for providing information to the national instant criminal background check system shall be liable in an action at law for damages—

"(A) for failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful under this section; or

"(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a firearm.

(c) PENALTY.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "paragraph (2) or (3) of"; and

(2) by adding at the end the following:

"(5) Whoever knowingly violates subsection (s) or (t) of section 922 shall be fined not more than $1,000, imprisoned for not more than 1 year, or both.".

SEC. 03. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

(a) DETERMINATION OF TIMETABLES.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall—

(1) determine the type of computer hardware and software that will be used to operate the national instant criminal background check system and the means by which State criminal records systems and the telephone or electronic device of licensees will communicate with the national system;

(2) investigate the criminal records system of each State and determine for each State a timetable by which the State should be able to provide criminal records on an on-line capacity basis to the national system; and

(3) notify each State of the determinations made pursuant to paragraphs (1) and (2).

(b) ESTABLISHMENT OF SYSTEM.—

(1) DETERMINATIONS.—Not later than the date that is 24 months after the date of enactment of this Act, the Attorney General shall determine whether—

(A) the equipment used to link State criminal history records systems to the national criminal history records system and the equipment necessary to operate the national instant criminal background check system are operational; and

(B) any group of States that—

(i) have at least 80 percent of the population of the United States; and

(ii) have reported during a 12-month period at least 80 percent of the number of crimes of violence reported by all of the States during that period,

have achieved and maintained in each State at least 80 percent currency of case dispositions in computerized criminal history files for all cases in which there has been an event of activity within the last 5 years; and (c) if such determinations are made in the affirmative, the Attorney General shall certify that the national system is established.

(2) ESTABLISHMENT.—If the Attorney General makes an affirmative finding with respect to the matters described in paragraph (1) (A) and (B), the Attorney General shall establish a national instant criminal background check system that any licensee may contact, by telephone and by other electronic means in addition to the telephone, for information, to be supplied immediately, on whether receipt of a firearm by a prospective transferee would violate section 922 of title 18, United States Code or state law.

(c) EXPEDITED ACTION BY THE ATTORNEY GENERAL.—The Attorney General shall expedite—

(1) the upgrading and indexing of State criminal history records in the Federal criminal records system maintained by the Federal Bureau of Investigation;

(2) the development of hardware and software systems to link State criminal history check systems into the national instant criminal background check system established by the Attorney General pursuant to this section; and

(3) the current revitalization initiatives by the Federal Bureau of Investigation for technologically advanced fingerprint and criminal records identification.

(d) NOTIFICATION OF LICENSEES.—On establishment of the system under this section, the Attorney General shall notify each licensee and the chief law enforcement officer of each State of the existence and purpose of the system and the means to be used to contact the system.

(e) ADMINISTRATIVE PROVISIONS.—

(1) AUTHORITY TO OBTAIN OFFICIAL INFORMATION.—Notwithstanding any other law, the Attorney General may secure directly from any department or agency of the United States such information on persons for whom receipt of a firearm would violate subsection (g) or (n) of section 922 of title 18, United States Code or State law, as is necessary to enable the system to operate in accordance with this section. On request of the Attorney General, the head of such department or agency shall furnish such information to the system.

(2) OTHER AUTHORITY.—The Attorney General shall develop such computer software, design and obtain such telecommunications and computer hardware, and employ such personnel, as are necessary to establish and operate the system in accordance with this section.

(f) WRITTEN REASONS PROVIDED ON REQUEST.—If the national instant criminal background check system determines that an individual is ineligible to receive a firearm and the individual requests the system to provide the reasons for the determination, the system shall provide such reasons to the individual, in writing, within 5 business days after the date of the request.

(g) CORRECTION OF ERRONEOUS SYSTEM INFORMATION.—If the system established under this section informs an individual contacting the system that receipt of a firearm by a prospective transferee would violate subsection (g) or (n) of section 922 of title 18,

United States Code or State law, the prospective transferee may request the Attorney General to provide the prospective transferee with the reasons therefor. Upon receipt of such a request, the Attorney General shall immediately comply with the request. The prospective transferee may submit to the Attorney General information to correct, clarify, or supplement records of the system with respect to the prospective transferee. After receipt of such information, the Attorney General shall immediately consider the information, investigate the matter further, and correct all erroneous Federal records relating to the prospective transferee and give notice of the error to any Federal department or agency or any State that was the source of such erroneous records.

(h) REGULATIONS.—After 90 days' notice to the public and an opportunity for hearing by interested parties, the Attorney General shall prescribe regulations to ensure the privacy and security of the information of the system established under this section.

(i) PROHIBITION RELATING TO ESTABLISHMENT OF REGISTRATION SYSTEMS WITH RESPECT TO FIREARMS.—No department, agency, officer, or employee of the United States may—

(1) require that any record or portion thereof generated by the system established under this section be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or political subdivision thereof; or

(2) use the system established under this section to establish any system for the registration of firearms, firearm owners, or firearm transactions or dispositions, except with respect to persons, prohibited by section 922 (g) or (n) of title 18, United States Code or State law, from receiving a firearm.

(j) DEFINITIONS.—As used in this section:

(1) LICENSEE.—The term "licensee" means a licensed importer (as defined in section 921(a)(9) of title 18, United States Code), a licensed manufacturer (as defined in section 921(a)(10) of that title), or a licensed dealer (as defined in section 921(a)(11) of that title).

(2) OTHER TERMS.—The terms "firearm", "handgun", "licensed importer", "licensed manufacturer", and "licensed dealer" have the meanings stated in section 921(a) of title 18, United States Code, as amended by subsection (a)(2).

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, may be appropriated from the Violent Crime Reduction Trust Fund established by section 1115 of title 31, United States Code, such sums as are necessary to enable the Attorney General to carry out this section.

SEC. ___04. REMEDY FOR ERRONEOUS DENIAL OF FIREARM.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 925 the following new section:

"§ 925A. Remedy for erroneous denial of firearm

"Any person denied a firearm pursuant to subsection (s) or (t) of section 922—

"(1) due to the provision of erroneous information relating to the person by any State or political subdivision thereof, or by the national instant criminal background check system established under section ___03 of the Brady Firearm Violation Prevention Act; or

"(2) who was not prohibited from receipt of a firearm pursuant to subsection (g) or (n) of section 922,

may bring an action against the State or political subdivision responsible for providing the erroneous information, or responsible for denying the transfer, or against the United States, as the case may be, for an order directing that the erroneous information be corrected or that the transfer be approved, as the case may be. In any action under this section, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 925 the following new item:

"925A. Remedy for erroneous denial of firearm.".

SEC. ___05. RULE OF CONSTRUCTION.

This Act and the amendments made by this Act shall not be construed to alter or impair any right or remedy under section 552a of title 5, United States Code.

SEC. ___06. FUNDING FOR IMPROVEMENT OF CRIMINAL RECORDS.

(a) USE OF FORMULA GRANTS.—Section 509(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(1) in paragraph (2) by striking "and" after the semicolon;

(2) in paragraph (3) by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) the improvement of State record systems and the sharing with the Attorney General of all of the records described in paragraphs (1), (2), and (3) of this subsection and the records required by the Attorney General under section _____03 of the Brady Handgun Violence Prevention Act, for the purpose of implementing that Act."

(b) ADDITIONAL FUNDING.—

(1) GRANTS FOR THE IMPROVEMENT OF CRIMINAL RECORDS.—The Attorney General, through the Bureau of Justice Statistics, shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used—

(A) for the creation of a computerized criminal history record system or improvement of an existing system;

(B) to improve accessibility to the national instant criminal background system; and

(C) upon establishment of the national system, to assist the State in the transmittal of criminal records to the national system.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under paragraph (1), may be appropriated from the Violent Crime Reduction Trust Fund established by section 1115 of title 31, United States Code, a total of $200,000,000 for fiscal year 1994 and all fiscal years thereafter.

SEC. ___07. WITHHOLDING OF DEPARTMENT OF JUSTICE FUNDS.

If the Attorney General does not certify the national instant criminal background check system pursuant to section _____03(a) by—

(1) 24 months after the date of enactment of this Act the general administrative funds appropriated to the Department of Justice for the fiscal year beginning in the calendar year in which the date that is 24 months after the date of enactment of this Act falls shall be reduced by 5 percent on a monthly basis; and

(2) 36 months after the date of enactment of this Act the general administrative funds appropriated to the Department of Justice for the fiscal year beginning in the calendar year in which the date that is 36 months after the date of enactment of this Act falls shall be reduced by 10 percent on a monthly basis.

SEC. ___08. WITHHOLDING STATE FUNDS.

Effective on the date of enactment of this Act, the Attorney General may reduce by up to 50 percent the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 of a State that is not in compliance with the timetable established for such State under section —03(a).

TITLE—MULTIPLE FIREARM PURCHASES TO STATE AND LOCAL POLICE

SEC. —01. REPORTING REQUIREMENT.

Section 923(g)(3) of title 18, United States Code, is amended—

(1) in the second sentence by inserting after "thereon," the following: ", and to the department of State police or State law enforcement agency of the State or local law enforcement agency of the local jurisdiction in which the sale or other disposition took place,";

(2) by inserting "(A)" after "(3)"; and

(3) by adding at the end thereof the following:

"(B) Except in the case of forms and contents thereof regarding a purchaser who is prohibited by subsection (g) or (n) of section 922 of this title from receipt of a firearm, the department of State police or State law enforcement agency or local law enforcement agency of the local jurisdiction shall not disclose any such form or the contents thereof to any person or entity, and shall destroy each such form and any record of the contents thereof no more than 20 days from the date such form is received. No later than the date that is 6 months after the effective date of this subparagraph, and at the end of each 6-month period thereafter, the department of State police or State law enforcement agency or local law enforcement agency of the local jurisdiction shall certify to the Attorney General of the United States that no disclosure contrary to this subparagraph has been made and that all forms and any record of the contents thereof have been destroyed as provided in this subparagraph.".

TITLE—FEDERAL FIREARMS LICENSE REFORM

SEC. —01. SHORT TITLE.

This title may be cited as the "Federal Firearms License Reform Act of 1993".

SEC. —02. PREVENTION OF THEFT OF FIREARMS.

(a) COMMON CARRIERS.—Section 922(e) of title 18, United States Code, is amended by adding at the end the following: "No common or contract carrier shall require or cause any label, tag, or other written notice to be placed on the outside of any package, luggage, or other container that such package, luggage, or other container contains a firearm.".

(b) RECEIPT REQUIREMENT.—Section 922(f) of title 18, United States Code, is amended—

(1) by inserting "(1)" after "(f)"; and

(2) by adding at the end the following new paragraph:

"(2) It shall be unlawful for any common or contract carrier to deliver in interstate or foreign commerce any firearm without obtaining written acknowledgement of receipt from the recipient of the package or other container in which there is a firearm.".

(d) UNLAWFUL ACTS.—Section 922 of title 18, United States Code, as amended by section —02(b), is amended by adding at the end the following new subsection:

"(u) It shall be unlawful for a person to steal or unlawfully take or carry away from

the person or the premises of a person who is licensed to engage in the business of importing, manufacturing, or dealing in firearms, any firearm in the licensee's business inventory that has been shipped or transported in interstate or foreign commerce.".

(e) PENALTIES.—Section 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(i)(1)(A) A person who knowingly violates section 922(u) shall be fined not more than $10,000, imprisoned not more than 10 years, or both.

"(2) Nothing contained in this subsection shall be construed as indicating an intent on the part of Congress to occupy the field in which provisions of this subsection operate to the exclusion of State laws on the same subject matter, nor shall any provision of this subsection be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this subsection.".

SEC. —03. LICENSE APPLICATION FEES FOR DEALERS IN FIREARMS.

Section 923(a)(3) of title 18, United States Code, is amended—

(1) in subparagraph (B) by striking "a pawn-broker dealing in firearms other than" and inserting "not a dealer in";

(2) in subparagraph (B) by striking "$25 per year" and inserting "200 for 3 years, except that the renewal of a valid license shall be $90 for 3 years."; and

(3) by striking subparagraph (C).

The PRESIDING OFFICER. Is there objection to the initial unanimous-consent request made by the Republican leader?

Mr. METZENBAUM. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I appreciate the comments made by the Republican leader. But I think it is important that all Senators and the American people understand where we are on this matter and how we got there.

The conference report, which reconciled the differing versions of the Brady bill passed by the House and Senate, was agreed upon yesterday and approved by the House yesterday. That is what we are trying to bring before the Senate for a vote. It is not amended.

I have before me a statement of explanation made by Senator BIDEN on how we got to the conference report, and I think everyone ought to know. It is the following:

After the House and Senate appointed conferees to meet and reconciled the differences between the Senate-passed and the House-passed versions of the Brady bill, Chairman BIDEN understood that an agreement as to how to proceed at conference had been reached which accommodated the concerns of both sides.

That tentative agreement would have, first, preserved the 5-year sunsetting provision that had been agreed upon by recorded votes in both the House and Senate, and second, it would have preserved the Senate's provision for an early instant check, triggering off of the waiting period, provided felony record standards were reached, with the records standards in the Senate bill increased.

This proposal would have preserved the essence of the compromise that was originally reached in 1991 when 67 Senators voted for the Brady bill.

Shortly before the conferees met on Monday, Senate Republicans replaced the two designated conferees, Senators HATCH and CRAIG, with Senators STEVENS and KEMPTHORNE. In conference, Senator STEVENS announced that the only outcome acceptable to Republican Senate conferees would be total acceptance by the House conferees of the Senate Brady provisions unchanged. All of the House conferees, including the House Republican conferees, rejected that demand, the demand that the House recede entirely from its Brady bill provisions to the Senate bill without change.

So that the position taken here today by the Republican leader of a compromise from the conference report was not the position taken by the Senate Republican conferees at the conference yesterday.

Senate Republican conferees in conference—I repeat the statement of Senator BIDEN:

Senator STEVENS announced that the only outcome available to Republican Senate conferees would be total acceptance by House conferees of the Senate bill unchanged. All of the House conferees, including the House Republican conferees, rejected that demand * * *.

There followed offers and counteroffers, and it resulted in a conference report which was accepted by all of the House conferees, Republican and Democratic alike, and all of the Senate Democratic conferees. The only objection to the conference report came from the Senate Republican conferees, who had taken the position that they would accept nothing other than the Senate bill, with no changes.

So the reason we are here now is that the conference report was not acceptable to the Senate Republican conferees, whose position was there could not be any change in the Senate bill, and the proposal made now by the Republican leader represents a different position from that taken by the Senate Republican conferees.

I was not at the conference, but I believe that had this proposal been made, there might have been a way to work it out. But when the Senate Republican conferees say we cannot have any change, that it has to be the Senate bill and nothing else, the conference report that resulted was agreed by the House Republicans, House Democrats, and Senate Democrats, that is why we are here where we are today. I repeat that I was not present. I am reading a statement prepared by Senator BIDEN which, I believe, he already stated publicly last night. But that is the reason why we are here now. I will yield to the Senator from Ohio who wants to make a statement.

(Mr. BREAUX assumed the chair.)

Mr. DOLE. Mr. President, I wonder if I might indicate, I know about what Senator BIDEN thinks happened there, and he may be correct. We also had a conversation with Senator CRAIG. There never was any agreement with Senator CRAIG and Congressman BROOKS and, in fact, they talked in generalities about trying to get together on the waiting period and on standards and some of the FFL's. But there never was any agreement and, of course, the conference was postponed because the Senator from Delaware was not in town. Then the Senator from Idaho had to leave because he had some commitments today.

My point is that we did not have any conferees. Senator HATCH and Senator CRAIG were out of town and, of course, the majority determines when the conference will be held. At that point, we appointed two additional conferees. I was led to believe yesterday morning, personally, since we had been involved in the debate for about 5 days trying to work something out, we were going to be contacted; that they were going to have staff-level consultations and maybe they could work it out, and maybe it would not be necessary to have a full conference. That did not happen. That happens to a lot in conferences. Try going to one with the chairman of the House Ways and Means Committee when you are told, "We are not going to budge," and he generally does not budge. I have been to a lot of those conferences where people make statements, but that does not mean anything.

Of the two Republicans assigned to the conference report, one voted against the bill, and Chairman BROOKS voted against the bill on the House side. So signing the conference report—in my view, a lot of people do that, and Senators STEVENS and KEMPTHORNE could have signed the conference report. They were opposed to the bill and have been opposed to the bill.

My point is that do we want a Brady bill, or do we want a political issue? It seems to me that when people—and I tried to explain to the press earlier. They are only interested in a 5-day waiting period. They have not read anything else and do not intend do. They say: Do not tell me about the instant check or the 18 million names in the computer that can stop a lot of crime in this country if we used it. Do not tell me about the $200 million put into the bill to help States bring their lists up to date. All I want to know about is about the 5-day waiting period. Why are you holding up the 5-day waiting period?

We have a much better bill than the original Brady bill, in many respects. We have been through this. I think one thing that upset some of our colleagues was on Saturday evening. I am not going to go back and rehash it all. After the agreement was reached, that permitted the majority leader to get the regular order and call the bill up. It

was announced by the chairman, after the agreement was reached. The chairman stands up and says: I do not care what it says; it is going to be 5 years.

That, I must say, was troubling to a lot of Members on this side of the aisle. If there would not have been any agreement or anything brought up—we would not be here today had that statement been made before the majority leader rose to bring the bill back before us, because there would have been an objection. I know, I have taken considerable heat because we even voted on Saturday night.

So the point is that we think we have been flexible, constructive, whatever. But what we end up here with before the Senate today is the same proposal that the distinguished chairman made to the Senator from Delaware when the conference opened. He was the chairman. He made the very same proposal that is before us today. That has been determined by somebody, without any consultation with a single Republican, as far as I know.

My staff waited all day; I waited all day. I know the chairman said: Somebody should have looked us up. Well, normally we sort of work together here. I talked to the distinguished Senator from Ohio yesterday morning, and he said he was going to have a press conference. I said, "Do not go out and whip us too hard. We are trying to work something out."

It seemed as though we started off on the right foot. Senator CRAIG said there was no agreement, and he had to depart for the same reason the Senator from Delaware could not be here throughout the day yesterday. But that is history.

Is there anything we can do to pass the Brady bill in somewhat the same condition it left here, making modifications? It was objected to even though they had been negotiated on this side by three different Senators and the Republican Senators—all these things had been agreed to on Saturday. Now somebody has filed an objection, so we are prepared to eliminate a couple and modify a couple more, go back to the Metzenbaum language on sunset, leave the language on the waiting period of 24 months, pass this concurrent resolution and send it to the House, and they can act on it, if you want a Brady bill this year.

Mr. MITCHELL. Mr. President, I want to make one thing crystal clear. We want to pass the Brady bill. I do not think there can be any conceivable doubt about that, given all of the effort that we have put into it over the past several weeks. I simply say to my colleague, with whom I have worked on this subject in good faith for 2½ years now, all of the effort to move the bill forward has come from this side of the aisle, and all of the effort to slow the bill down has come from that side of the aisle. I do not care about the political issue. I thought we were going to pass the bill last night, and nobody was more surprised than I when we could not pass the bill last night.

So I wish we could pass it right now. I believe the conference report is acceptable. It is approved by a majority of the House and clearly a majority of the Senate favors it. Clearly a majority of the American people favor it. Under the rules of the Senate, a minority can and is preventing a vote from occurring. That is their right. But I think that would be the best way to do it. Then we all would not have to come back.

Mr. DOLE. Mr. President, I will take another minute, and then I know the Senator from Ohio wants to make a statement.

When the Brady bill passes, the Senator from Ohio will deserve most of the credit because he has worked very hard on this. We want to pass it before his departure next year—long before his departure.

So, you always wonder if maybe your strategy was not too good. Maybe it should have been added to the crime bill. That was my original intent. Nobody wanted to do that. We had editorials in the New York Times and Washington Post saying: Pass the Brady bill, do not make it part of the crime bill. We had Members on both sides, including my side, who did not want it part of the crime bill. They said: I want to vote for the crime bill but not if the Brady bill is in it. Leave it out and bring it up freestanding.

There never was any filibuster. People write that word so easily. Everything we have done has been done by agreement, just as we have agreed today. There has not been a filibuster. We had 1 hour of debate the other night and we voted. So there has been no filibuster.

We have agreed on cloture votes that it was not even necessary to file a cloture motion. There have been no efforts to not let the majority leader proceed to the bill.

Mr. President, the debate over the Brady bill has led to many interesting moments. We have seen Democrats cry "filibuster" even while Republicans were working around the clock to obtain a bill which would actually pass the Senate and become law.

And once an agreement was reached, and the bill was allowed to reach the Senate floor, we heard the chairman of the Senate Judiciary Committee say that the negotiations were all for show, and that once we got to conference committee, he was going to throw the very provision which allowed the bill to pass in the first place out the window.

I will give Senator BIDEN credit. Once an agreement was reached, he was very honest with how he intended to ignore the wishes of the Senate. And that is precisely what occurred in the conference committee.

At the conference, the very first offer was one offered by Senator BIDEN, the chairman of the conference. While that offer was initially rejected by the House conferees, it is precisely that offer which was later offered by Congressman HUGHES and accepted by the Senate Democrat conferees.

But what has not been reported in the media is that not only were the wishes of the Senate completely ignored in the conference committee, but so, too, was the safety of the American people.

In the bill the Senate passed on Saturday evening, the Justice Department was given 2 years to develop and instant check system.

There can be no disagreement that a computer instant check system is the only effective way to ensure that convicted criminals, the mentally ill, and others who should not be allowed to possess guns, are actually prevented from doing so.

The House-passed bill, however, gives the Justice Department 5 years in which to develop an instant check system. That's 3 years longer than the Senate passed bill; 3 years in which guns can continue to be sold to those most likely to use them for criminal purposes.

Did the Senate bill better protect Americans? Yes. Did it matter to the conference committee? Not in the slightest. But perhaps the supporters of this bill are less interested in making good legislation, and more interested in making an issue for their political purposes.

Let me conclude by saying that there was a fair and balanced article in today's New York Times. Now, fair and balanced, aren't two words I usually apply to the New York Times, but, as I said, this debate has led to some interesting moments.

Let me quote from the article:

> In the 22 States that already have such waiting periods, there has been no sign of their having impact on overall crime. In California, for example, in the 5 years since a 15-day waiting period went into effect, violent crime has risen by more than 20 percent, and the State's murder rate is still 25 percent higher than the national average.
>
> On the other hand, in States that require would-be gun buyers to undergo background checks, like those in the Federal legislation, the requirement did halt sales to a few criminals and led to some arrests.

In other words, it is the wish of the conference committee that the only part of the Brady bill which has been proven effective in keeping guns away from criminals will not occur for 5 years—if ever. That is at least 1,085 days beyond when it would become effective in the Senate-passed legislation.

Those who say that America should not have to wait 1 more day for the Brady bill, should be more concerned about those 1,085 days.

I think today, just to round it out, there is a good piece today, if you have

not read it, in the New York Times. It says, "Much Ado, Little Done." It talks about the very small impact the Brady bill is going to have.

We have 22 States now with a waiting period. California has a 15-day waiting period. It is not going to stop criminals from getting handguns. It will keep them under surveillance in the instant check. It applies to all firearms, not just handguns. If you put your little card in the machine when we have the instant check, it is like a credit card. If it says tilt, you do not get any gun. There are eight others. If I get eight in the crime bill and if it survives, those circumstances prevail.

I think my view, and many people in the Chamber have the same goal, is some of us want to go a little further. Some believe in the instant check. Some believe we ought to pass the waiting period.

I hope there is still a way to work it out. I am not certain we have pursued all the procedural avenues we can think of.

I assume the Chair will rule that my amendment to the adjournment resolution is not in order. We have some good precedents on that.

It was done on June 3, 1924. Senator LaFollette offered an amendment to the adjournment resolution which had the legislative agenda for the next year, and the majority leader, Senator Lodge, made a point of order. The point of order was overruled.

In the adjournment resolution, which is now pending, there is language which has been added.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. Article II of the adjournment resolution, in my view, was added several years ago as an amendment to the adjournment resolution, which gives the leaders authority to call Congress back in session.

If I could make an inquiry of the Chair, was that an amendment offered? Can you tell me when that amendment was offered?

The PRESIDING OFFICER. The contained material is language that was received by the Senate when the resolution was received from the House.

Mr. DOLE. In the previous resolution, is there any constitutional authority for the majority and minority leaders, after consultation, to notify the Members of the House and Senate to assemble whenever the public interest shall warrant it? Is there any constitutional authority for that? I ask the Chair.

The PRESIDING OFFICER. The Chair will inform the minority leader the Chair does not get into decisions on constitutional questions.

Mr. DOLE. It is not in the Constitution; will the Chair agree to that? We have only had majority and minority leaders for 30 or 40 years.

So I think the only provision in the Constitution allows the President to call the Congress back.

The point I want to make, so the Parliamentarian can study up over the weekend, is that we have amended adjournment resolutions before, and the points of order have been overruled. The one we are considering today, which came to us from the House, was Article II, which was added several years ago, I think, by the distinguished Senator from West Virginia. Maybe not. So I just want the Parliamentarian to know that there have been amendments to the adjournment resolution.

One way to resolve this is to amend the adjournment resolution, send it to the House, and let them deal with it. They can pass it. They are still in session. They can pass these modifications. We will have the Brady bill next week, right after Thanksgiving, instead of right before Thanksgiving.

I ask unanimous consent that the copy of the article in the New York times, which is a balanced article—and I was surprised to find it—be printed in the RECORD at this point.

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

MUCH ADO, LITTLE DONE—GUN BILL'S PROMISE UNMET IN THE STATES

(By Clifford Krauss)

WASHINGTON, Nov. 22.—For seven long years, Congressional supporters of a waiting period for the purchase of handguns blamed the lawmakers who were blocking the measure for the deaths of tens of thousands of people.

But if the history of gun control and the views of law-enforcement officials are any measure, the changes are that any results from the legislation establishing the waiting period will be far less dramatic than the bitter legislative debate suggested. Indeed, the main impact may very well be a symbolic one.

Considering that the measure does nothing about the more than 70 million pistols already in the hands of Americans, its final passage in a matter of days or, at the most, weeks will not suddenly take guns from muggers or put to rest the public's fears that finally pushed the bill through Congress.

RESULTS IN THE STATES

In the 22 states that already have such waiting periods, there has been no sign of their having any impact on overall crime. In California, for example, in the five years since a 15-day waiting period went into effect, violent crime has risen by more than 20 percent and the state's murder rate is still 25 percent higher than the national average.

On the other hand, in states that require would-be gun buyers to undergo background checks, like those in the Federal legislation, the requirement did halt sales to a few criminals and led to some arrests. In Delaware, for instance, a gun-control law similar to the measure in Congress, the Brady bill, halted 1,271 gun purchases in the last two years; 140 of the people who were stopped from buying a gun were wanted felons, including 104 who were later apprehended.

In Oregon, police recently convicted a felon who had previously been imprisoned on kidnapping charges for illegally buying a firearm after he failed to pass a gun check.

And if nothing else, the experience of states suggests that the waiting period to buy a gun gives a chance to let passions cool: a dismissed employee angry at his boss, a wife enraged with her husband, a troubled person contemplating suicide in a moment of anguish.

"The legislation will not by itself solve the problem of handgun violence," said Dewey R. Stokes, president of the Fraternal Order of Police in recent testimony to a Congressional subcommittee. "What it will do, however, is to give the law-enforcement community a very valuable and effective tool to deter the purchase of a handgun by someone who is not qualified to possess one."

The fever pitch of the Congressional debate had less to do with the bill's actual provisions than its symbolic weight. The gun lobby warned for years that the Brady bill was a stalking horse for stronger gun control. Many of its proponents certainly hope that is true.

The bill is the first time Congress has changed the rules on the way Americans can buy guns since it banned the mail-order sale of rifles in 1968 after the assassinations of Senator Robert F. Kennedy and the Rev. Dr. Martin Luther King Jr.

Whatever the virtues of that 1968 law, killings with rifles have increased along with other kinds of violence over the years.

COMPONENTS OF BILL

Symbolism aside, the Brady bill will slow legal gun sales. After a conference committee resolves differences between the versions of the bill passed by the House and Senate this month, the measure is likely to include a mandatory waiting period of five business days to buy a handgun, to let law enforcement officials check perspective buyers for records of criminal activities or mental instability.

It will also authorize grants of at least $200 million for states to update their criminal records. And after four or five years, the waiting period will be replaced by an instant computer check of buyers, unless Congressional proponents of a waiting period can show that it is truly useful and then pass an extension.

The gun lobby argues that whatever few crimes are prevented with guns, limiting gun ownership was not worth the blow to citizens' Second Amendment rights to bear arms and protect themselves.

More than 9,000 people are killed each year and 15,000 are wounded by gun-carrying criminals, according to the Justice Department. Those figures could easily rise with or without gun control, law-enforcement officials and sociologists say, because advancing rates of broken families and illegitimacy means the size of the population most likely to commit crimes is growing.

In addition, 10,000 handgun deaths occur each year as a result of suicide or accident.

Neither the Brady bill, nor the $23 billion anti-crime package that also passed the Senate last week, addresses the underlying problems.

And opponents of the measure note that criminals will always be able to buy weapons illegally, and that they can easily circumvent computer checks by producing fake identification.

Indeed, a survey of the Bureau of Justice Statistics shows that only 27 percent of state prisoners who admit to having possessed handguns said they bought them at stores. And according to the National Crime Information Center, 207,481 firearms, including

141,846 handguns, were stolen in 1991—a problem that the Brady bill barely addresses.

"There has never been a study which has found any statistically noticeable reduction in gun crime associated with a waiting period," said David B. Kopel, an analyst at the Cato Institute, a libertarian research organization based in Washington. "Can anyone seriously believe that people who sell cocaine by the pound will not know where to obtain an illegal handgun? That a waiting period on guns will succeed where a complete prohibition on drugs has failed?"

Still, the experiences of the 22 states that have waiting periods suggest they do some good. According to the California Department of Justice, the state's 15-day waiting period and background check stopped felons from buying fire-arms 2,500 times last year, including people who had committed 37 homicides, 1s02 sex crimes and seven kidnapping.

The Brady bill finally passed this year because of voter outrage over crime, as expressed in the fall campaigns in New York City, New Jersey and Virginia. States around the country are tightening gun restrictions, because law-enforcement authorities and citizens are anguished over the increase in handgun-related murders by almost 60 percent in the last five years.

The Brady bill will be reinforced by a provision in the anti-crime package moving through Congress that bans the purchase of handguns by minors and even the giving of handguns to them. Another measure in the package would ban the manufacture of 19 military style assault weapons; the importing of such weapons is already against the law. But the ban on manufacture, which is in the Senate version of the bill, faces an uphill fight in the House and will probably be stricken in a Senate-House conference.

But if the legislative history of the Brady bill is at all instructive, if violent crime continues to rise, the ban of making assault rifles and other gun-control measures are sure to pass Congress before too long.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I would like, if I might, respectfully to disagree with my friend and colleague, the Republican leader, in two respects.

First, is this a filibuster? A filibuster is a means by which a minority of the Senate prevents the Senate from voting on an issue. It is usually, but not necessarily, accompanied by lengthy debate.

This is a filibuster. The old saying is if it looks like a duck, walks like a duck, and quacks like a duck, it is a duck. This is a filibuster.

Now, it is true that I am not requiring that there be all-night sessions and lengthy debates, a decision that I have made often for which I have been frequently criticized, and I accept that criticism.

But I believe that what we have here is plainly and obviously a filibuster to prevent the Senate from voting on this measure.

Second, in referring to the article in the New York Times, the Republican leader says that 22 States have the Brady bill and crime is still going up; why pass it nationally?

I would say 37 States have the death penalty, and crime is still going up. Why then did so many of our colleagues on that side of the aisle want more death penalties. If the logic applies to one, does it not apply to the other?

The fact of the matter is no single legislative act, by this or any other parliamentary body in the world, is going to "end violent crime." There is no organized society in all of human history that has not had violent crime, and there is no one means, no single legislative act by which we can end it.

What we can and should do is to take those measures which we deem appropriate to try to reduce it, to try to mitigate it, and at the very least to try to slow the rate of increase.

It is, I submit, an erroneous and a fallacious argument to take a proposal and say, well, this will not completely end the problem; therefore, we ought not bother to do it.

If we applied that test to every legislative act before this Senate, we would pass hardly any bill.

The real fact is, this is an epidemic in our society. It is an epidemic of violence. We must take not just one step, but several steps, as many as possible, to do what we can to reduce the rate of increase, to hopefully bring about a reduction, to bring about a more orderly and safe society. That ought to be the standard by which we measure this bill, or any other bill.

Does it help in the effort against violent crime? The precise amount of benefit clearly cannot be measured or stated. There is no living human being who has the knowledge, the wisdom, and the prescience to say this will occur. But all of the evidence we have is that this will make a modest difference in the right direction. That ought to be sufficient justification to enact it.

Mr. President, I yield to my patient and long-waiting colleague from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, I thank the majority leader and, yes, I thank the minority leader as well.

There is something rather sad about this debate here this evening. It is sad because I believe four people have spoken this evening, and all four people actually would like to see the Brady bill passed, and that includes the minority leader.

What happened is we got into a conference and in the conference it proceeded appropriately. Senator STEVENS, who was really not a player in this entire matter originally, and who seemed to be totally against the Brady bill but apparently would go along with some form of it, was probably the strongest voice in that conference, notwithstanding the fact that the chairman on the House side was himself not really a supporter of the Brady bill, but there was kind of a dispassionate approach that he used. And so there were three Members on the House side and three Members on the Senate side, and we came to an agreement.

We did not come to that agreement easily. There were some offers and counteroffers, and finally we got to the point where we have this matter before us.

Apparently, someone's nose got out of joint about that time, and they got disturbed that this is not the way it was supposed to be. As a matter of fact, the minority leader has claimed he got zippo out of the conference on the Brady bill, and I think that is the minority leader's word. That is a quote, if I am not mistaken: "zippo."

Let me recount the events that have taken place here that show why this is just not true. As a matter of fact, there were concessions made.

We started this year by dropping in the Brady bill essentially as it had been negotiated in 1991, and as it was supported by the minority leader as well as the proponents of the Brady bill. Back in 1991, with the minority leader's help, we had negotiated down from the original Brady bill so that we could come up with a compromise version that could be supported by the minority leader and other opponents of the Brady bill.

A couple of weeks ago, we tried to move this compromise Brady bill and were blocked by the minority leader and others, and to this day and this moment, it has been my thought that he was doing the bidding of some of the people, of part of his party, and that he did not have the same strong feelings that others did.

So we sat down to negotiate further with the minority leader, and we changed a number of provisions. There were certain things we could not agree on and others that I was willing to go along with in order to get the bill considered.

We then had a vote on the provision that added a sunset to the waiting period. I make no bones about it. I, along with the Bradys and others who are supporters of the Brady bill, argued strenuously against such an automatic sunset, because I believe it is detrimental to the bill's goals. There had been no automatic sunset in the 1991 compromise that we worked out with the minority leader. However, which is well known, I lost that argument. The proponents of the Brady bill lost that argument in the House, as well. The 5-year sunset was put in the House bill by a Republican, Representative GEKAS, over the objection of the supporters of the Brady bill. The sunset provision was adopted by both houses. And when I attempted to extend the sunset provision the other evening, I was unsuccessful.

So the minority leader did get some portion of that which they were seeking. He got an automatic 5-year sunset of the waiting period. This is a weaker

version of the Brady bill than was negotiated back in 1991 and supported by the minority leader.

In addition to the 5-year sunset, last week I reluctantly agreed to allow three new titles to be added to the Brady bill, involving issues that have nothing to do with the Brady bill and including provisions that I am frank to say I do not support. Yesterday, in conference, we agreed with the House's request to pare these three titles down, but leaving in place much of what the minority leader and many on that side of the aisle had insisted that we add to the Brady bill. These additions that were retained include a provision that would require dealers to notify State and local authorities of multiple gun purchases; a provision to increase the dealer license fee, which, by the way, I hope is just a start—that fee really needs to be raised higher to cover the costs of inspecting licensees; and a provision that federalizes the offense of stealing a gun from a dealer.

So, as anyone can see, the minority leader extracted significant concessions from proponents of the Brady bill, first, during Senate consideration of the bill, and second, in the conference committee as much as I wish these changes had not been made—and I am certain I speak for both Sarah and Jim Brady, as well—we went along with them in a spirit of compromise.

Now, in light of these facts, the minority leader did not get everything that he wanted and those on that side of the aisle did not get everything that they wanted, but it is a fact that the Bradys and I, the sponsor of the bill, and others on this side of the aisle, including the majority leader, we did not get what we wanted, but we came out with a compromise.

Now to say that there was only zippo attained and the opponents of the Brady bill can characterize the conference report as some extreme, uncompromised work-product is difficult for me to understand. Given that numerous changes were made to the original Brady bill, and given that every single one of these changes was proposed by either a Republican Senator or Republican Congressman, I believe it is obvious that we have achieved a middle-of-the road compromise.

I fear that this compromise is being mischaracterized and distorted for one simple reason: Opponents of the Brady bill, even in the face of a clear compromise, have one overarching goal—to kill the Brady bill in whatever form it comes before the Senate.

Now, Mr. President, I must say that I really feel a deep sense of remorse. We are coming back here next week to argue whether or not we have 60 votes.

Actually, there is no argument about the fact that a majority of the Members of the Senate want the Brady bill to be passed. Fifty-seven voted originally on the cloture motion. Sixty-three voted the second time around. And yet we are coming back because somebody's nose is out of joint—and I do not mean the minority leader—but somebody on that side of the aisle is insisting that we have to come back; that we could not voice vote this last night.

I think that is sad. I think it is sad for several reasons. One is I think it is sad because it is an exercise in futility. But the second thing is I think it is sad because every day, every hour, every minute that we delay in bringing the Brady bill to fruition and sending it to the President so that he may sign it means that many more people are going to be killed in the streets of America.

I do not stand here and claim that the Brady bill is a panacea and by enacting it is going to solve all the problems of crime in this country. But every time you take away from some people who should not have them the right to buy a gun or require them to be checked out to see that they are not mentally ill or that they do not have a criminal record, every time you deprive that individual of a gun, there is a little bit better chance that somebody's life will be saved.

I wish so much—and I know the minority leader is not in a position to do this anymore—but I feel a deep sense of regret that he, who has been so helpful and understanding and has not been one of those who wants to kill the Brady bill, is forced by circumstances to stand on the floor this evening and keep this body from passing the Brady bill and making it a reality. I wish it could be otherwise.

I referred to the number of concessions we made in order to bring about the compromise. My guess is the minority leader is not in a position to make a concession at this point and let us go forward.

But the fact is, we should not have to remain here or come back on Tuesday or Wednesday. It is no great problem for this Senator. I know it is a great problem for a number of other Senators. I feel confident that almost every single Senator will return, but I wish that it were not necessary.

I wish that the minority leader could come up with some way that we could just go forward and pass what came out of the conference committee. We made a lot of concessions. We started off with a lot of concessions. It is not a perfect bill, but very seldom do we here in the Congress of United States pass a perfect piece of legislation. I think this is a pretty damn good bill.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, first, I want to thank the Senator from Ohio. I think it has been an experience. You have quite a few around here from time to time.

But, in any event, I would just say, I think there is a sincere effort. It may not be total agreement, but I think there are Democrats and Republicans who think we can make this a better bill.

And that is why I have been working on the instant check since 1986. The longer we wait, as the Senator from Ohio has said, the more people are going to be hurt.

Right now there are 18 million names in those computers that ought to be used. We are going to try to keep a record here for the next several months on how many convicted felons get guns, one way or another, even after this bill passes.

So if this bill passes, what are you going to check it against? How are you going to determine if somebody should have a gun? That is the point we tried to make—we, apparently, did not do a very good job—on the instant check system. It is the only effective way that we know, unless there is a better way, to ensure that convicted criminals—and the President has talked about the mentally ill, mentally incompetent getting weapons—and others should not be allowed to possess guns.

What we tried to do—and there was not much objection in the Senate, it was 2 years, 24 months.

I want to correct the RECORD because yesterday Senator BIDEN and I had an exchange in which neither one of us were accurate, but the staff was.

I talked about going outside of the scope of the conference because I thought the House had 30 months and we had 24 months. I want the RECORD to reflect I was not correct. The House had 5 years and we had 24 months. So I would have the RECORD reflect that.

I did ask the distinguished Senator from Delaware at the time, but we were later corrected by staff and the staff is correct.

But we believe the 24 months—there was not much debate on it—the FBI tells us they can do this in 24 months—that we ought to start doing it for the very reason the Senator from Ohio said: Every day we wait, every day somebody gets through the net and gets a gun and shoots someone, it is another tragedy in America.

We did not think it ought to be 5 years. But that is the way it ended up in the conference report.

So it is very serious. We are talking about whether it ought to be 24 months or 60 months. If that were resolved, there would not be any problem with this bill as far as this Senator is concerned. But, you know, hope springs eternal around here. Maybe somebody can think of some parliamentary way this can be resolved.

Again, I thank Senator STEVENS for going to the conference. He did not particularly want to go to the conference. We did not have any conferees, so I

called and asked if he would go. And he is not here to represent precisely what he said. He has been most cooperative. There are some who do not want any bill at all and they could have objected all last week to doing anything on any legislation. But Members on both sides who have that view did not object; they cooperated. We brought it up for a vote, as I said, on Saturday. And I am still hopeful. If we cannot resolve it this year obviously we will have to try again next year.

SENATE CONCURRENT RESOLUTION 57 TO GO OVER UNDER THE RULE

The PRESIDING OFFICER. The Chair will observe, objection having been heard to Senate Concurrent Resolution 57, it will go over under the rule.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I want to make just one brief additional comment. I want to say to the Republican leader, my friend, that I feel perhaps the greatest sadness that we have reached this situation and are not in a position to pass this bill tonight.

I want to go back in time. About 2½ years ago the original Brady bill passed the House of Representatives and I was asked my view of it and I said publicly that I was opposed to that bill, that I did not believe that it would accomplish the purpose its sponsors intended. It was, then, purely a waiting period bill.

As a result of that public statement I received a rather large amount of criticism. Me, and my motives, were questioned. I said that I believed it could be improved and I would set out to improve it. I then had a lengthy series of meetings, dozens of meetings, with the Bradys and their supporters and with the legislative representatives for the National Rifle Association and some of their supporters here in the Senate.

At that time the National Rifle Association position was that they were against the waiting period but they wanted the instant check system. And, so, I made the initial suggestion—actually it came from my staff person, Anita Jensen. We Senators get used to taking credit for things when actually we know it is the staff that is the brains here, the ones who come up with the ideas and know the details. I suggested, well, if the Bradys want a waiting period and the NRA wants an instant check system, from our standpoint they both make sense and, in fact, since you cannot have an instant check system right away—the debate has always been over how long it would take to get an instant check system—why not combine the two? And that is the measure that I proposed; to combine the two in a way that would have an immediate waiting period and incentives for an instant check system to encourage its implementation and then a phaseout of the waiting period. That became the basis of what is the current bill described as the Brady bill.

We then came to the floor and the Republican leader had some concerns about some parts of it and wanted to add some other things to it. And there followed, then, a second set of negotiations over many weeks involving the Republican leader, myself, Senator METZENBAUM, and Senator KOHL as the principal participants, but a whole lot of other people as well.

And that negotiation led to the bill which passed the Senate in 1991 by a vote of 67 to 32. I had hoped we could put that into law in 1991, but it was part of a larger bill which was not adopted.

Then, when we began this year, the legislation that we had worked out together in 1991 became the new basis for consideration. It is called the Brady bill, and rightly so, but it is not the original Brady bill. It is that bill having gone through, first the series of negotiations that I had with the Bradys and the NRA, and then the series of negotiations that Senator DOLE, Senator METZENBAUM, Senator KOHL, and I had.

Now, what really makes me sad is that we have come so very far together, such a very long way, and come close. I want to repeat what I said earlier, that no one was more surprised than I last evening that we were not going to pass the bill and have it become law this week. I regret that very much. I want to make clear that my comments earlier about Senator STEVENS' statement at the conference were not intended nor should they be construed as criticism of Senator STEVENS. That is his position. He has a perfect right to take it. Second, as I said and I repeat, I was not present. I was reading from a description of the conference by Senator BIDEN, who was, of course, present as the chairman of the Senate Judiciary Committee.

I hope we can still pass the bill. But I believe this is becoming increasingly clear. Sooner or later, this bill is going to become law. You cannot have a legislative proposal that is supported by about 90 percent of the American people that will not become law in this democracy. Its support continues to grow. The public continues to demand it. And it is going to become law. I hope it is sooner but I know it is going to happen.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. First of all, Mr. President, I want to express great appreciation for the role that the majority leader has played in this debate. The majority leader has indicated that some 93 percent of the American people support the Brady bill. Sixty-eight percent of NRA members are for it. But he also comes from a region of the country that I come from. He represents the State of Maine. And among the many popular pastimes in Maine is hunting. Many of the citizens of that State enjoy the ability to go off into what are some of the loveliest parts of America, enjoy the outdoors, and enjoy the legitimate sport of hunting. As a result, advocating any kind of restrictions or access to guns, or any reasonable waiting period, is not an easy political position for a Maine politician to take. Those of us who come from that region of the country see his leadership on this issue and we respect the important efforts he has made in the national interest. He explains them well, of course, back home. But for all of us who are deeply concerned about gun violence—those of us who are faced in a more direct way with the proliferation of weapons and the violence that is attendant thereto—we are very, very grateful to him.

We are also enormously grateful to the Senator from Ohio for his constancy on this issue. I value my friendship with him over a long period of time. We have been allies on many different issues. But I think all of us in this body would agree, if it had not been for his persistence and continuity on this issue we would not be where we are today.

Congress wants the Brady bill, and the country wants the Brady bill. As the events of recent days make clear, people across America are well aware of what is happening in the Senate. The National Rifle Association and a handful of Republican Senators are attempting to mug the Brady bill in the broad daylight of public opinion.

Perhaps not since the 19th century days of the railroad tycoon William Henry Vanderbilt and his notorious remark, "The public be damned," has there been such an arrogant, overt, and brazen act of special interest defiance of the public interest.

The public is rightly concerned about the epidemic of violent crime plaguing America. The Brady bill is one of the most important steps Congress can take to start to turn the tide. Our handgun laws are more loophole than law. There is no justification for tolerating the easy access to these weapons that are fueling the arms race on streets and in neighborhoods across America.

The Brady bill will stop thousands of illegal handgun purchases by giving local law enforcement the opportunity to conduct background checks on potential purchasers.

This step will help keep handguns out of the hands of criminals, juveniles, persons with a history of mental illness, and many others who should not be able to walk into a gun store or pawn shop and walk out with a handgun a few minutes later.

It is not enough to impose tough sentences on those who commit crimes

with handguns. All of us who favor the Brady bill also support tough punishment for violent criminals.

But we know punishment alone is not a sufficient answer to the handgun crisis. The Brady bill can help prevent violent crime before it occurs. It will save lives and restore some measure of sanity to the debate on crime.

Above all, the passage of this bill will prove that Congress is capable of standing up to the National Rifle Association and acting responsibly in the public interest.

The Brady bill should have been enacted long, long ago and every day of delay means more lives lost to senseless handgun violence.

I can remember, Mr. President, when we debated the 1968 Gun Control Act. At that time, many of our colleagues in the U.S. Senate said, "Look, we already have 5 million or 6 million handguns out there. What possible good could it do to pass that kind of legislation?" We passed very modest legislation.

Then in 1986, we had the McClure-Volkmer bill. At that time, many of us who were most concerned about crime and violence said to the NRA, "We'll let you have the long guns." Long guns were only used—this is before the advent of assault weapons—in 4 or 5 percent of the homicides in this country. We said, "Just let us deal with the small concealable weapons, which are the weapons of choice in crimes and violence. Give us those guns." There was an absolute rejection of that position.

Now we have the proliferation of weapons and we hear: "What possible good is legislation when you have 100 million of these concealable weapons across the country?" That is the same argument we heard 25, 30 years ago. If we had taken the steps then and if we take the steps now, they can make a difference. There will be lives saved.

In listening to this debate about the details of the conference agreement, I hear people ask whether the conferences really agreed to certain insignificant provisions, and what they said, did they eliminate this or did they add that. But the debate should be about whether it is reasonable to impose a 5-day waiting period on the purchase of handguns.

I do not intend to take the time of the Senate now to recite constant examples of States which have had some waiting period have been able to identify felons, mentally ill persons and juveniles, in violation of State laws. We clearly know that those State laws are not as effective as a national waiting period would be, as the debate has pointed out.

So, Mr. President, I am really amazed at the fact that there is a continued reluctance to pass this important bill.

Two final points. We wonder whether we ought to come back to vote next week on this issue. I was in the Senate when we were called back between Christmas and New Year's Day by the venerable Senator from Oregon, Wayne Morse, on the issue of the war in Vietnam. That happened the first time in 1963 when he and a small group of individuals were beginning to call for an end to the war in Vietnam. The Senate turned out overwhelmingly because the issue was important to the people of this country.

Similarly, the Brady bill is of basic and fundamental importance to all Americans and all American families. They are going to wonder why we are out of session, why we are back home if we have not taken action on this conference report.

So, Mr. President, I applaud the decision to move ahead and have this vote next week. I just regret, as others do, that we cannot vote on it earlier, because we know that when it is signed and implemented, from that time on there will be lives saved. There are families who will not shed those tears. There will be families who will not feel the awful sense of loss.

Finally, this bill is really a monument to the perseverance and the courage of two brave citizens, Jim and Sarah Brady. Their valiant effort began in personal tragedy, and it continued as a long and lonely fight. But they never gave up. What an incredible job they have done. They are living proof that individuals can still make a difference in this country when they decide to work for change.

Finally, at long last, it is clear beyond a reasonable doubt that the Nation is squarely on their side. And it is unconscionable that a willful and desperate minority in the Senate is prepared to filibuster this bill. This shameful obfuscation must not be permitted to prevail.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BRADLEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

BILLS READ FOR THE SECOND TIME—S. 1770, S. 1775, and S. 1779

The PRESIDING OFFICER. It being a new legislative day, the clerk will now read the bills for a second time.

The bill clerk read as follows:

A bill (S. 1770) to provide comprehensive reform of the health care system of the United States, and for other purposes.

A bill (S. 1775) to ensure individual and family security through health care coverage for all Americans in a manner that contains the rate of growth in health care costs and promotes responsible health insurance practices, to promote choice in health care, and to ensure and protect the health care of all Americans.

A bill (S. 1779) to ensure individual and family security through health care coverage for all Americans in a manner that contains the rate of growth in health care costs and promotes responsible health insurance practices, to promote choice in health care, and to ensure and protect the health care of all Americans.

The PRESIDING OFFICER. Is there objection?

Mr. BURNS. On behalf of the minority leader, I object.

The PRESIDING OFFICER. Objection is heard.

MESSAGE FROM THE PRESIDENT—HEALTH SECURITY ACT OF 1993

Mr. MOYNIHAN. Mr. President, on Saturday, November 20, 1993, the Senate received a Presidential message transmitting the Health Security Act of 1993. I commend the President and Hillary Rodham Clinton on their extraordinary leadership in bringing the issue of national health care reform before the Congress.

The Senate Parliamentarian referred the President's message, which was accompanied by the President's bill, exclusively to the Committee on Finance. The Parliamentarian has noted, in writing, that the President's bill, the Health Security Act of 1993, lies within the sole jurisdiction of the Committee on Finance.

As is the custom when a Presidential message is received, as chairman of the Committee on Finance, I introduced the President's legislation yesterday. It will appear on the calendar at the close of business today as S. 1775.

I ask unanimous consent that the text of the President's message, as referred to the Committee on Finance, be printed in the RECORD:

The text of the message of the President reads as follows:

To the Congress of the United States:

I am pleased to transmit today to the Congress the "Health Security Act of 1993."

This legislation holds the promise of a new era of security for every American—an era in which our Nation finally guarantees its citizens comprehensive health care benefits that can never be taken away.

Today, America boasts the world's best health care professionals, the finest medical schools and hospitals, the most advanced research, and the most sophisticated technology. No other health care system in the world exceeds ours in the level of scientific knowledge, skill, and technical resources.

And yet, the American health care system is badly broken. Its hallmarks are insecurity and dangerously rising costs.

For most Americans the fear of losing health benefits at some time has

become very real. Our current health insurance system offers no protection for people who lose their jobs, move, decide to change jobs, get sick, or have a family member with an illness. One out of four Americans is expected to lose insurance coverage in the next 2 years, many never to be protected again. Altogether, more than 37 million Americans have no insurance and another 25 million have inadequate health coverage.

Rising health care costs are threatening our standard of living. The average American worker would be making $1,000 a year more today if health care accounted for the same proportion of wages and benefits as in 1975. Unless we act, health care costs will lower real wages by almost $600 per year by the end of the decade and nearly $1 in every $5 Americans spend will go to health care.

Small businesses create most of the new jobs in America and while most want to cover their employees, more and more cannot. Under the current health care system, cost pressures are forcing a growing number of small business owners to scale back or drop health insurance for their employees. Small businesses spend 40 cents of every health insurance dollar for administration—eight times as much as large companies. And only 1 in every 3 companies with fewer than 500 workers today offers its employees a choice of health plan.

Our health care system frustrates those who deliver care. Doctors and nurses are drowning in paperwork, and hospitals are hiring administrators at 4 times the rate of health care professionals. The system places decisions that doctors should be making in the hands of distant bureaucrats. Its incentives are upside down; it focuses on treating people only after they get sick, and does not reward prevention.

Clearly, our challenges are great. This legislation is sweeping in its ambition and simple in its intent: to preserve and strengthen what is right about our health care system and fix what is wrong.

Our needs are now urgent. A Nation blessed with so much should not leave so many without health security.

This legislation draws upon history. It reflects the best ideas distilled from decades of debate and experience.

It reflects the sense of responsibility that President Franklin Roosevelt called for when he launched the Social Security Program in 1933 and recommended that health care be included.

It reflects the vision of President Harry Truman, who in 1946 became the first President to introduce a plan for national health reform.

It reflects the pragmatism of President Richard Nixon, who in 1972 asked all American employers to take responsibility and contribute to their workers health care.

And it reflects the ideas and commitment of generations of congressional leaders who have fought to build a health care system that honors our Nation's commitments to all its citizens.

Today America stands ready for reform. For the first time, members of both parties have agreed that every American must be guaranteed health care. An opportunity has been placed before us. We must not let it pass us by.

This legislation builds on what's best about the American health care system. It maintains and strengthens America's private health care. It extends the current system of employer-based coverage that works so well for so many. It protects our cherished right to choose how we are cared for and who provides that care. It invests in improving the quality of our care.

This legislation recognizes that America cannot, and need not, adopt one model of health care reform. It allows each State to tailor health reform to its unique needs and characteristics, as long as it meets national guarantees for comprehensive benefits, affordability, and quality standards. It establishes a national framework for reform, but leaves the decisions about care where they belong—between patients and the health care professionals they trust.

Under this legislation, every citizen and legal resident will receive a Health Security Card that guarantees the comprehensive benefits package. People will be able to follow their doctor into a traditional fee-for-service plan, join a network of doctors and hospitals, or become members of a Health Maintenance Organization. Like today, almost everyone will be able to sign up for a health plan where they work. Unlike today, changes in employment or family status will not necessarily force a change in health coverage.

The self-employed and the unemployed will receive their health coverage through the regional health alliance, a group run by consumers and business leaders, that will contract with and pay health plans, provide information to help consumers choose plans, and collect premiums. The largest corporations—those employing 5,000 workers or more—will have the option of continuing to self-insure their employees or joining a regional alliance.

The legislation is financed by three sources: requiring every employer and individual to contribute to paying the cost of health care; raising excise taxes on tobacco and requiring small contributions from large corporations, which form their own health alliance; and slowing the growth in spending on Federal health care programs. Enormous efforts have been made to ensure that the financing is sound and responsible.

The Health Security Act is based upon six principles: security, simplicity, savings, quality, choice, and responsibility.

Security. First and foremost, this legislation guarantees security by providing every American and legal resident with a comprehensive package of health care benefits that can never be taken away. That package of benefits, defined by law, includes a new emphasis on preventive care and offers all Americans prescription drug benefits.

Under this legislation, insurers will no longer be able to deny anyone coverage, impose lifetime limits, or charge people based on their health status or age. The legislation also limits annual increases in health care premiums, and sets maximum amounts that families will spend out-of-pocket each year, regardless of how much or how often they receive medical care.

The legislation will preserve and strengthen Medicare, adding new coverage for prescription drugs. To meet the growing needs of older Americans and people with disabilities, a new long-term care initiative will expand coverage of home and community-based care.

The legislation also provides residents of underserved rural and urban areas with better access to quality care. It also offers incentives for health professionals to practice in these areas, builds urban-rural health care networks, and protects those doctors, hospitals, clinics, and others who care for people in underserved areas.

Simplicity. To relieve consumers, business and health professionals of the burdens of excess paperwork and bureaucracy, this legislation simplifies our heath care system. It requires all health plans to adopt a standard claim form; creates a uniform, comprehensive benefits package; and standardize billing and coding procedures.

Savings. The legislation promotes true competition in the health care marketplace. It increases the buying power of consumers and businesses by bringing them into health alliances. Health plans will no longer succeed by trying to pick only healthy people to insure; they will have to compete on price and quality. This competition will be backed up by enforceable premium caps.

This legislation also criminalizes health fraud, imposing stiff penalties on those who cheat the system. And it takes steps to reduce "defensive medicine" and discourage frivolous medical malpractice lawsuits by requiring patients and doctors to try to settle disputes before they end up in court, and by limiting lawyer's fees.

Quality. The legislation empowers consumers and health care professionals by providing information on quality standards and treatment results. It calls for new investments in medical research, including heart disease, bone and joint disease, Alzheimer's disease, cancer, AIDS, birth

defects, mental disorders, substance abuse, and nutrition. To help keep people healthy, rather than only treating them after they get sick, the legislation pays fully for a wide range of preventive services and offers new incentives to educate primary care doctors, nurses, and other family practitioners.

Choice. Through comprehensive reform, the legislation gives Americans a new level of control over their health care choices. It ensures that people can follow their doctor and his or her team into any plan they choose to join. It transfers the choice of health plan from the employer to the individual, and guarantees a choice of health plans, including at least one traditional fee-for-service plan. Doctors and health professionals may participate in multiple health plans if they wish.

Responsibility. Under this Legislation, every employer and individual will be required to pay for health coverage, even if that contribution is small. It extends the current employer-based system for financing health coverage—a system that now serves 9 of every 10 Americans who now have health insurance. To ensure affordability, small businesses, low-wage employers, and low-income individuals and families will get substantial discounts.

This legislation will strengthen our economy. Our current system is so much more costly than any other system in the world, and the American people should not be asked to pay huge new taxes in order to afford health care reform. This plan raises no new broad-based taxes, but spends our health care dollars more wisely. It levels the playing field for small businesses, making it possible for them to insure their families and employees. It eases the tremendous burden of rising health costs on big business, helping them to compete for global markets. And by bringing the explosive growth in health costs under control, it sets us in the right direction of reducing our national debt.

The legislation restores common sense to American health care. It borrows from what works today, letting us phase in change at a reasonable pace and adjust our course if needed. It builds on what works best—and makes it work for everyone. Our task now is to work together, to leave behind decades of false starts and agree on health care reform that guarantees true security. The time for action is now. I urge the prompt and favorable consideration of this legislative proposal by the Congress.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 20, 1993.*

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BURNS. Mr. President, on behalf of the majority leader and minority leader, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair.

There being no objection, the Senate, at 5:57 p.m., recessed subject to the call of the Chair; whereupon, at 7:03 p.m., the Senate reassembled when called to order by the Presiding Officer [Mr. METZENBAUM].

ORDERS FOR WEDNESDAY, NOVEMBER 24, 1993

The PRESIDING OFFICER. In my capacity as a Senator from the State of Ohio, I ask unanimous consent that when the Senate completes its business tonight, it stand in recess until 10 a.m. Wednesday, November 24; that following the prayer, the Journal of the proceedings be approved to date; and that following the time for the two leaders, there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

Is there objection? Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. In my capacity as a Senator from the State of Ohio, I ask unanimous consent that the Senate stand in recess, as under the previous order.

There being no objection, the Senate, at 7:04 p.m., recessed until 10 a.m. Wednesday, November 24, 1993.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE WELL AMERICA ACT

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 23, 1993

Mr. LEWIS of California. Mr. Speaker, I would like to address today an aspect of health care reform often considered a side issue, but the impact of which will, more than any other factor, determine whether Americans in 5 years, in 10 years, will consider that our reforms succeeded. I am talking about the need for an aggressive commitment to wellness.

Wellness extends far beyond traditional preventive medicine, such as innoculations, prenatal care, or mammograms, as necessary as these are. It addresses personal behaviors which lead to unnecessary illness. Wellness programs encourage healthier lifestyles and choices, activities which keep people out of the health care system in the first place.

It is not widely appreciated that an enormous portion of our health care costs result directly from the treatment of illnesses and conditions that could be prevented by changing our unhealthy behaviors.

The Worksite Health Promotion Alliance represents over 2,000 employers through such members as the Washington Business Group on Health, the Wellness Councils of America, the Association for Worksite Health Promotion, and the National Wellness Network. In a recent press release, the coalition noted "that over half of all disease is caused by poor health behaviors. Moreover, up to 30 percent of all employer-paid health care costs are due to unhealthy lifestyle habits, which can be significantly improved by worksite health promotion programs," That 30 percent stands for some $130 or $140 billion annually, and does not include a corresponding component for health costs paid by individuals and Federal programs and State health care programs.

While I do not suggest that all of this money can be saved, I feel very strongly that to ignore behavioral change is to place our reform efforts at significant risk of failure. If we do not start now to reduce the number of needless cases, of disease and injury flowing into our health care system, we will continue to shoulder increasingly unacceptable burdens regardless of what we do to make the financing and delivery systems more efficient.

It will eventually become apparent that neglecting wellness in favor of improving our sickness-based medical system is like the city elders responding to an ever-widening break in the dike by streamlining and reducing costs in the municipal bucket brigade.

For this reason, I am proposing today the Well America Program. This legislation is intended to be considered as an appendage to an overall health care reform bill, and is drafted generically. However, it can easily be adapted to virtually any model currently on the table. The proposal came to my attention through the Institute for Interactive Management, which developed it together with a collection of other health care reform ideas from a systems analysis viewpoint.

It would give to each person 30 years of age or over, approximately $200 per year to spend on wellness activities. These would include nutrition education and exercise programs, weight loss programs, and so forth. Such programs could be run by employers, communities, private companies, or non-profit groups.

I realize this proposal is not perfect. It can be tightened up, eligibility can be refined, et cetera. I am not wedded to it word for word. I introduce it because none of the leading proposals currently before the Congress faces behavioral change head-on. I introduce it because I feel that whatever else we do, we must act in this area. I hope that it will stimulate us to place wellness issues at the center of the health care debate.

I call upon all of those involved in the health care debate to pause and consider with me how we can reduce not only the cost, but the demand for health care services.

I ask for unanimous consent that the text of the bill be printed in the RECORD.

H.R. 3, THE HOUSE CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 23, 1993

Mr. SYNAR. Mr. Speaker, St. Augustine is said to have prayed to God to free him from his life of sin and debauchery "but not yet, Lord, not yet." The Members of Congress elected, some for generations, under a system almost universally regarded as distasteful, distorted, and disconnected from the voters who cast the ballots seem to be asking for campaign finance reform "but not yet, but not yet."

Like the drunkard clinging to his bottle and the addict to his syringe, Congress is refusing to face the hard reality of real reform. The Senate, in an orgy of self-congratulation, has passed a measure of byzantine complexity, internal incompatibility, and dubious constitutionality that ultimately secured the 60 votes for passage with the comforting reassurance that it would never become law. For its part, the House-passed campaign finance reform bill may score political points with reformers, but it won't be enacted in its current form, and its unlikely to get any better in conference. Net effect—the present decayed and rotten campaign finance system looks like it will continue at least through the next two election cycles.

The House conference position, embodied in H.R. 3, emerged after a small coterie of House Democratic leadership staff secretly labored for 11 months to produce a bill their bosses sold to the House, and will try to sell to the electorate, as real reform. After the long wait this year's bill looks a lot like last year's House-passed bill—deja vu all over again. I supported that bill, but this year I expected better. What I got is worse. The Democratic leadership bill has no effective overall campaign spending limits, it contains loopholes to subvert the nominal limits it does contain, it fails to curb the influence of PAC's, it won't become effective until 1996 at the earliest and worst of all, it's patently unconstitutional. In a recent memo on the leadership package, the ACLU flatly stated that the bill, "violates the free-speech and expressive guarantees of the first Amendment in multiple ways."

Can we fix all of these problems in conference and come up with a bill that has a prayer of reaching the President's desk? There is an answer to this mess and it's embodied in the simple, straightforward bipartisan proposal that I, with a number of my colleagues from across the ideological spectrum, have proposed. Our bill marginalizes PAC's and big givers by cutting maximum PAC contributions from $5,000 to $1,000 and cutting the maximum size of fat-cat donations from $1,000 to $500. The bill also bans bundling, a practice used to evade current contribution limits, and shuts down soft money, an election artifice that allows undisclosed contributions to influence Federal elections. Finally, we require broadcasters who sell ad time to independent groups that dive into elections to make equal and adjacent time available to the candidates targeted by these ads.

The bipartisan package's design is simple—drain money out of elections by reducing contribution levels, banning bundling and banning soft money and keep that money from getting back into the system via unanswerable independent expenditures. It's clean, it's simple and it's real reform. More importantly it can be enacted into law early next year and not sometime in the hazy future as we appear to be headed with the current reform plans.

The bipartisan proposal embodies the startlingly simple, but evidently novel, concept that true campaign finance reform should: First, actually begin to clean up campaigns for federal office; second, survive a constitutional challenge; and third, take effect before the next election. Anything not meeting this test is a fraud on the electorate, who went to the polls over 1 year ago under the impression they were voting for change. Some reform is better than no reform—we need to craft a conference report that actually has a chance to pass, not a package that delays any reform because it can't get the votes to pass.

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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KURT WEISHAUPT WINS PRESTIGIOUS NATIONAL CARING AWARD

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 23, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to join the Caring Institute in celebrating the remarkable efforts of Kurt Weishaupt, who will be presented one of the Caring Institute's National Caring Awards, on Friday, December 3, 1993. Kurt's accomplishments as a businessman and philanthropist have had a positive impact on men, women, and children both in the United States and around the world.

The Caring Institute was created to identify and promote the efforts and values of those individuals who enhance the human spirit in all of us. Since 1985, the Caring Institute has presented the National Caring Award to only 10 men and women each year. I am just one of many people around the world who can testify to the fact that Kurt Weishaupt has lived by the values the Caring Institute cherishes.

I first met Kurt over 20 years ago in Queens County, NY; his extraordinary dedication to humanity was obvious even then. In addition to Kurt's philanthropic efforts, his leadership and vision were demonstrated day in and day out as a businessman. Kurt has truly lived the American dream. After escaping from Nazi Germany, Kurt eventually made it to the United States with his first wife, Trude. In 1941, they arrived penniless, like so many other immigrants, yet in time he built one of the largest philatelic firms in the world. Even with his tireless dedication to his firm, Kurt committed a large portion of his time and financial resources to major philanthropic efforts. Today, he is actively involved in leading or supporting more than 40 such humanitarian organizations.

Most noticeable of all his efforts is his role on the board of directors for the Gift of Life Program. Organized by Rotarian volunteers in 1973, this project has funded open-heart surgery for more than 1,000 destitute children from 26 different countries. Kurt has also been actively involved with the United Jewish Appeal, March of Dimes, and New York Hospital Medical Center where Kurt donated a dialysis machine in the name of his first wife, Trude. Kurt also was a founding member of Philatelic Hobbies for the Wounded, a cofounder of Boston's Cardinal Spellman Museum, and a board member of the Russian Children's Fund. In 1986, Kurt married Ethel Faye and together they continue to dedicate themselves to improving all of humanity.

Mr. Speaker, I would like to take this opportunity to congratulate both Kurt Weishaupt and the National Caring Institute for recognizing him. The National Caring Institute's Annual Award recognizes those few individuals who continuously demonstrate the sense of social responsibility that the rest of us aspire to. Along with other National Caring award winners, Kurt will have a permanent memorial at the Frederick Douglass Museum and the Hall of Fame for Caring Americans. The Caring Institute and the Friends of Frederick Douglass coordinated their efforts to create this museum. The museum is rooted in the spirit of Frederick Douglass' life; both by the values it promotes and its location in his former residence.

Mr. Speaker, I conclude by calling upon all of my colleagues in the House of Representatives to rise and express our congratulations and admiration for this true humanitarian—Kurt Weishaupt—as he is awarded the Caring Institute's National Caring Award.

SPENT-FUEL MANAGEMENT PROGRAM

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 23, 1993

Mr. SAXTON. Mr. Speaker, recently members of the New Jersey congressional delegation wrote to Secretary of Energy, Hazel O'Leary, bringing to her attention the concerns of our State regarding the Nation's spent nuclear fuel management program.

All 13 Members of the New Jersey congressional delegation are united in their view that the Federal Government move forward with its efforts to find a suitable storage site for spent nuclear fuel. It is also important that the Department of Energy take action to ensure it will meet its obligation to begin accepting spent fuel from utilities beginning in 1998.

Failure to meet these responsibilities will have significant consequences to American electric ratepayers in 41 States who have paid more than $7.6 billion to the nuclear waste fund and to New Jersey ratepayers who have paid more than $300 million into the fund. American nuclear electric generating plants were constructed with limited-capacity spent-fuel handling facilities because they were promised by the U.S. Government that a national waste repository would be available in the mid-1990's.

In New Jersey, three of the four electricity-generating reactors will be completely out of spent-fuel storage space shortly after the turn of the century. After that, we face the choice of either constructing additional temporary storage facilities, which is a safe but expensive option, or having to shut down efficient, reliable and nonpolluting powerplants that supply a significant percentage of the State's electricity.

I applaud Secretary O'Leary's recognition of DOE's moral obligation to move forward with its program to determine the suitability of Yucca Mountain as a repository and meet its 1998 responsibilities. However, Congress has the responsibility to make funds available for this to happen. To be clear, Congress needs to make available not taxpayer funds, not treasury funds, but the funds provided by ratepayers from New Jersey and across the Nation expressly for the purpose of managing spent nuclear fuel.

The New Jersey delegation supports Secretary O'Leary's efforts to establish a new funding mechanism—a revolving fund—which would ensure that ratepayer money is available to the program as needed and not subject to congressional budgetary constraints, which would divert these funds for deficit reduction. To be sure, this would be accomplished while retaining strong congressional oversight.

Mr. Speaker, this is not only an urgent matter for the citizens of New Jersey, but for our environment, for our energy security, and for American ratepayers who are shouldering the expense, which I stated to date is more than $7.6 billion. I ask Members to join with me in urging DOE to fulfill its responsibilities with the spent-fuel management program and adopt a revolving-fund mechanism to jump start this vital energy program and ensure that sufficient funds are available when needed.

Mr. Speaker, I am inserting the letter sent by the New Jersey delegation to the Secretary of Energy into the RECORD.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 10, 1993.

Hon. HAZEL O'LEARY,
Secretary, U.S. Department of Energy, Washington, DC.

DEAR SECRETARY O'LEARY: We are writing to express our concerns regarding the progress of the Department of Energy's civilian radioactive waste management program. It is our understanding that the Department is reviewing its high level waste program. We encourage you to complete this review in an expeditious fashion, so that this important program can move forward.

As you are aware, the Nuclear Waste Policy Act of 1982 recognized the worlwide scientific consensus that deep geologic isolation is the environmentally preferred solution for the ultimate disposal of high-level nuclear waste. The Act also obligated DOE to construct a facility that would begin accepting spent fuel from utilities by 1998. To pay for the disposal program, a one-mill per kilowatt hour fee was imposed on electricity generated by nuclear energy. The fees that utilities pay are deposited in a special account in the U.S. Treasury—the Nuclear Waste Fund.

As of May 1993, customers of electric utilities in 38 states—including New Jersey—have paid more than $7.7 billion for the nuclear waste program. Of that amount, New Jersey utilities have contributed nearly $306 million.

Many utilities are concerned about delays in waste acceptance because they will soon be unable to store spent fuel on-site in their spent fuel pools. Three of four reactors in the State of New Jersey are expected to lose their full core discharge capability shortly after the turn of the century. The construction of additional on-site storage facilities, while safe, is expensive. In effect, utilities and their ratepayers will be paying twice for the storage and disposal of waste—first to the Nuclear Waste Fund, and a second time for added on-site storage necessitated by the delays in the DOE program.

We would also like to express our support for your efforts to establish a revolving fund which would allow contributions to the program to be spent in a timely and efficient manner. We believe it is imperative that the program receive adequate funding if DOE is to meet its obligation in 1998.

However, we believe that the benefits promised by the establishment of a revolving fund will only be realized if DOE program management is sharply improved.

Thank you for your consideration of our concerns.

Sincerely,

Bill J. Hughes, Marge Roukema, Donald M. Payne, Chris Smith, Dean Gallo, Robert Menendez, Jim Saxton, Herb

Klein, Frank Pallone, Jr., Robert Torricelli, Dick Zimmer, Rob Andrews, and Bob Franks.

LEGISLATION TO BAN JACKETED HOLLOW POINT AMMUNITION

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 23, 1993

Ms. PELOSI. Mr. Speaker, today I am introducing legislation to regulate the manufacture, importation, and sale of jacketed hollow point ammunition.

On July 1, in my district, the city of San Francisco, a man entered the office building of the law firm Pettit & Martin and opened fire, killing eight people and wounding six others. The guns he used were 9 millimeter semiautomatic pistols loaded with "Black Talon" ammunition. The guns and ammunition are an incredibly deadly combination. They were both purchased legally.

The Black Talon has quickly become the most notorious example of jacketed hollow point ammunition. This bullet is designed to expand upon impact, mushrooming into six razor sharp points as it enters the target. It has been described as especially deadly and its effect has been compared to that of a high-speed cookie cutter. Because of its sharp points, this bullet also poses a significant hazard to trauma surgeons who treat gunshot victims. These bullets must be outlawed.

Jacketed hollow point ammunition is used by the Federal Bureau of Investigation and other law enforcement agencies. These bullets have been marketed to law enforcement agencies because of their superior stopping power, which means they are not as likely as other bullets to pass through one target and injure another.

They are also used because they are more lethal. As a result of its design, when a jacketed hollow point bullet is fired from a gun it causes more extensive damage and excessive bleeding.

All bullets are people killers. However, a jacketed hollow point bullet is designed with features which make it extra deadly, just as firearms have semiautomatic and multiple-round features which make them more deadly. My legislation, with an exemption of law enforcement agencies, proposes a ban on the jacketed hollow point bullet before it becomes the ammunition of choice for urban violence in America.

TRIBUTE TO CLAY CAVANAUGH

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 23, 1993

Mr. SPENCE. Mr. Speaker, I rise today to pay tribute to one of South Carolina's Second District's finest, Clay Cavanaugh. This fine young man has trained diligently, and proudly boasts the earned distinction of being the top junior wrestler in the State of South Carolina.

For his youth, he has attained numerous honors, awards, and recognitions throughout his wrestling career. He has been actively involved with the sport since the age of 9, wrestling freestyle in summer competitions and proving his ability. He experienced only one defeat throughout the seasons of his seventh and eighth grade years, and as a freshman achieved the rank of South Carolina's fourth best with a 24 and 9 record.

Currently, Clay is the State's champion with an undefeated record of 38 wins without a single takedown. I am certain that you are all aware of the competitive nature and demanding rigors of this sport and therefore understand the pride I share with this dedicated young man. Clay has chosen a sport which is both physically and mentally demanding and has proven himself a champion.

In addition to his outstanding record on the wrestling mat, Clay is equally successful in the classroom, ranked in the top third of his class at Lexington High School. In today's society I find it incredibly refreshing to come across a youth who is determined to achieve his goals and remains so focused on his dreams.

Today, I take great pride in saluting Clay Cavanaugh and his hard work. Perhaps the evaluation of his national scouting report says it best, explaining, "Clay is simply the best at what he does, although these statistics speak for themselves. Clay is in an elite category."

TRIBUTE TO SUSAN FAHRENHOLTZ

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 23, 1993

Mr. MENENDEZ. Mr. Speaker, I rise today to congratulate Ms. Susan Fahrenholtz of Bloomfield, NJ, on her achievements as the director of Project SEED. The project, short for Summer Educational Experience for the Disadvantaged, has offered its participating students the opportunity to gain valuable hands-on experience and exposure to science. Ms. Fahrenholtz is trained as an organic chemist, and has extensive research and undergraduate teaching experience, and she has dedicated herself in particular to the instruction of students for whom science is a new field of study, opening up new doors of learning and exploration.

Susan's career at Fordam University's Lincoln Center campus has been long and distinguished. Not only has she shared her knowledge of science with her students, she has helped them to apply that knowledge and develop vital career skills as the administrator of five undergraduate and graduate summer research programs at AT&T Bell Laboratories. In fact, she has recruited more minority and women science students with higher educational qualifications than ever before for AT&T programs. In order to expand opportunities for still more students, Susan serves as a consultant to several institutions of higher learning on minority internships and on technology.

Ms. Fahrenholtz is also a respected leader in her own professional circles. She has served as a councilor of the American Chemical Society since 1990; as treasurer of the New Jersey Business/Industry/Science/Education Consortium from 1987–90, and as its chairman from 1992–1993. She has served as chair of North Jersey's SEED Program for disadvantaged students since 1986, and has organized and presided over several chemical symposia between 1972 and 1988. In addition to her leadership roles, Ms. Fahrenholtz holds two patents; one in Europe and one here in the United States. She is the author of numerous articles in her scientific field, and an upcoming guide for students considering graduate schools.

But, Mr. Speaker, it is for her attention and guidance given to the students of Union Hill and Emerson High Schools in my hometown of Union City, NJ, for which I express my greatest appreciation of her work. Ms. Fahrenholtz has been instrumental in identifying mentors for students in the Summer Scholars Program at Union Hill. It would be easy for such an accomplished scientific mind to ignore the problems of the workaday world. But Susan Fahrenholtz will have none of that. She makes it her business to share her knowledge and expertise, and to expand educational opportunities to students who might otherwise find the doors to higher education and jobs in the sciences closed to them. For the past 5 years, Susan has made it possible for the students in the Summer Scholars Program to gain the practical, scientific experience they need to begin successful academic careers.

Mr. Speaker, I ask that all of my colleagues join me today in paying tribute Ms. Susan Fahrenholtz for her dedication to the Summer Scholars Program, and in offering our congratulations on her recognition by Union City's scholars.

H.R. 3656—THE ANTI-ECONOMIC DISCRIMINATION ACT OF 1993—TIME FOR TOUGH ACTION AGAINST THE ARAB BOYCOTT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 23, 1993

Mr. LANTOS. Mr. Speaker, yesterday with a distinguished group of cosponsors from among our colleagues in the House, I introduced H.R. 3656, the Anti-Economic Discrimination Act of 1993.

This legislation is an effort to put teeth into our fight against the Arab boycott of United States companies which conduct normal business relations with companies in the State of Israel. Our legislation restricts sales and leases of defense articles and defense services to any country or international organization which as a matter of policy or practice is known to have sent letters to United States firms requesting companies with, or soliciting information regarding compliance with, the secondary or tertiary Arab boycott.

During the last full year, a number of countries sent letters to American companies in connection with the boycott. The latest quarterly figures reported by the Department of Commerce indicate little change from the pattern. For all of 1992 the countries which have

sent letters to American firms in an effort to enforce the Arab boycott are as follows, with the number of letters received by American companies indicated in parenthesis: Kuwait, 2,864; the United Arab Emirates, 1,990; Saudi Arabia, 1,568; Syria, 522; Bahrain, 238; Qatar, 208; Jordon, 151; Libya, 91; Lebanon, 80; Egypt and Iraq, 22.

Mr. Speaker, at a time when Israel is making major risks for peace, some Arab countries—some of which would not exist if it were not for the United States—are still taking action to enforce this Arab boycott.

At a time when the American President has hosted Arafat and Rabin at the White House, some Arab countries appear to be undermining the effort for peace with their continued support of the Arab boycott. This is simply unacceptable.

Thus far, the U.S. Government has not been successful in resolving this long-festering problem, and it is time for legislation with teeth to deal with this impediment to peace in the Middle East.

Mr. Speaker, the provisions of H.R. 3656 are the same as those included in the Foreign Assistance Authorization Act that was adopted by the House earlier this year. Because the foreign assistance legislation has not moved quickly through the other body and to conference with the House, the anti-Arab boycott provisions have been introduced separately. These provisions include authority for the President to waive temporarily the provisions of the bill if it is in our national interest to do so. The State Department indicated that it had no objection to the provisions of this legislation at the time it was considered in the House and again when it was considered in the Foreign Relations Committee in the Senate.

Mr. Speaker, similar legislation has been introduced in the Senate by Senator HANK BROWN of Colorado and Senator DANIEL PATRICK MOYNIHAN of New York. It is my intention to press for quick action on this bill.

Mr. Speaker, those who have joined me as original cosponsors of this legislation are Mr. GILMAN of New York, Mrs. MALONEY of New York, Mr. SWETT of New Hampshire, Ms. MARGOLIES-MEZVINSKY of Pennsylvania, Mr. DEUTSCH of Florida, Mr. HASTINGS of Florida, Mr. BROWN of Ohio, Mr. ANDREWS of New Jersey, Mr. SCHUMER of New York, Mrs. LOWEY of New York, Mr. PALLONE of New Jersey, Ms. ROS-LEHTINEN of Florida, Mr. BERMAN of California, and Mr. ACKERMAN of New York.

I ask that the text of our legislation be included in the RECORD, and I invite our colleagues in the House to join us in cosponsoring this important legislation.

H.R. 3656

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "Anti-Economic Discrimination Act of 1993".

SEC. 2. ARAB BOYCOTT.

(a) PROHIBITION ON CERTAIN SALES AND LEASES.—Defense articles and defense services may not be sold or leased by the United States Government to any country or international organization which as a matter of policy or practice is known to have sent letters to United States firms requesting compliance with, or soliciting information regarding compliance with, the secondary or tertiary Arab boycott, unless the President determines, and reports to the relevant congressional committees, that the country or organization does not now send such letters as a matter of policy or practice.

(b) WAIVER OF PROHIBITION.—

(1) 1 YEAR WAIVER.—After the effective date of this section, the President may waive, for a period of 1 year, the application of subsection (a) with respect to any country or organization if the President determines, and reports to the relevant congressional committees, that—

(A) such waiver is in the national interest of the United States, and such waiver will promote the objectives of this section to eliminate the Arab boycott; or

(B) such waiver is in the national security interest of the United States.

(2) EXTENSION OF WAIVER.—If the President determines that the further extension of a waiver will promote the objectives of this section, the President, with appropriate notification to relevant congressional committees, may grant further extensions of such waiver for successive 12-month periods.

(3) TERMINATION OF WAIVER.—The President may, at any time, terminate any waiver granted under this subsection.

(c) RELEVANT CONGRESSIONAL COMMITTEES.—As used in this section, the term "relevant congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(d) EFFECTIVE DATE.—This section shall not take effect until one year after the date of enactment of this Act.

PENNY-KASICH AMENDMENT TO H.R. 3400, THE GOVERNMENT REFORM AND SAVINGS ACT OF 1993

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 23, 1993

Mr. SYNAR. Mr. Speaker, I rise today in opposition to the Penny-Kasich amendment to the Government Reform and Savings Act of 1993.

This is a budget debate that hinges on the power of false economic advertising. It seems that some legislators will never resist the opportunity to invoke grand ideas about budget savings and deficit reduction without solid facts and a legitimate strategy that does not rely on creative accounting to get to the bottom line.

The Penny-Kasich amendment is another of these proposals, and I object to it for four reasons. First, the proposal is Draconian and short-sighted. It attempts to lock in savings for deficit reduction rather than allowing appropriators to spend these savings on other unanticipated but critical needs.

The truth is, the administration's budget package already requires spending on discretionary domestic, defense and foreign aid programs to be below fiscal year 1993 levels in every year through 1998. In fact, these spending levels are already so low, Congress will need to find over $78 billion in savings over the next 5 years to meet current law. This means we will have to squeeze further critical domestic discretionary programs in areas such as WIC, housing, transportation, child immunization and HEAD START.

Even more troubling than this meat-cleaver approach to budgeting, however, is the fact that this legislation has double-counted its own savings assumptions. Specifically, over half the $26.7 billion in savings from streamlining 252,000 full-time Federal workers was included in the August deficit reduction agreement. Furthermore, the fiscal year 1994 budget resolution already assumes a 100,000 cut in the work force by 1998.

Second, Mr. Speaker, this measure undermines our national health care reform effort. As I have done in the past, I will oppose further cuts in Medicare until Congress faces up to its responsibility, that is, controlling the costs of medical care. This amendment is unfair to recipients of Medicare as well as District of Columbia providers. Until private sector costs are restrained, any reduction in Medicare will force providers to shift costs to private sector patients. And, frankly, I don't think rural hospitals in Oklahoma have anyone left who can absorb these cost shifts. Cutting Medicare payments without dealing with the underlying problems we are facing is patently unfair to our older Americans.

Also troubling is the way Penny-Kasich presumes to use simple cost accounting to legislate sweeping changes in public policy. The bill implements major policy changes by indiscriminately lumping together various Federal departments and drastically changing the way programs are configured and services delivered. These changes represent the worst of the budget drives policy techniques—revisions to current policy justified by grandly forecasted cost savings that, in the end, only result in negative impacts on real people.

For example, Penny-Kasich would undermine Davis-Bacon requirements on Federal projects, weaken protection for citizens at Superfund sites by relying on containment rather than permanent cleanup, eliminate library and legal education programs and require some seniors to pay increased part B Medicare premiums that in certain States would represent a 100-percent increase over their current payment.

Lastly, Mr. Speaker, this stringent deficit reduction measures included in this bill would likely place a huge drag on our economic recovery. Again, the administration set forth its own long-term agenda for the economy last February and Members of Congress endorsed it in the budget agreement in August. In his plan, the President specifies that long-term economic recovery rests on private, market forces finding opportunities for investment in plant and equipment that promise a return on that investment. This investment requires financing at reasonable rates of interest, and deficit reduction is the key to lowering and stabilizing these rates.

However, the private sector cannot do its work alone. Government needs to step up its efforts in education, worker training, infrastructure, and applied R&D—all things that are funded out of domestic discretionary dollars. I believe that, if the public sector provides the tools that the private sector needs to be productive; namely, an investment in human capital we will strengthen the competitiveness of the whole economy. Penny-Kasich would deny

us the opportunity to target resources to these needs and strengthen the skills and health of our workers, the useful life of our infrastructure and the quality of our products.

Mr. Speaker, I voted with Congress to pass H.R. 2264, the Omnibus Budget Reconciliation Act which included $255 billion in spending cuts. The Sabo and Frank-Shays amendments are continuations of the type of real budget cuts that were included in the budget agreement. The Sabo and Frank-Shays amendments reflect my commitment to cutting ineffective spending and improving the efficiency of the Federal Government.

Specifically, the Frank-Shays proposal to save $20.6 million on four projects—termination of the space station, reduction in U.S. spending for the defense of Western Europe, decrease in funding for the Ballistic Missile Defense Program, and cancellation of the advanced liquid metal reactor—is right in line with the ideas I have pursued for improving the management of our natural resources in my work as chairman of the Subcommittee on Energy, Environment and Natural Resources. So, this is the kind of budget amendment that does the right thing for the American public. No dodges or maneuvers, just a straight-ahead approach to needed changes in national spending priorities.

It is in this spirit that I urge my colleagues to vote for judicious Federal spending and honest budget cuts and against an amendment that proposes nothing of the sort.