

SENATE—Tuesday, May 25, 1993

(Legislative day of Monday, April 19, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable PATTY MURRAY, a Senator from the State of Washington.

PRAYER

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

Let us pray:
By faith Moses * * * Choosing rather to suffer affliction with the people of God, than to enjoy the pleasures of sin for a season * * * forsook Egypt * * *.—Hebrews 11:24, 25, 27.

God of Abraham, Isaac and Israel, Moses and the prophets, Jesus and the apostles, God of our fathers—personal sacrifice is inherent in great leadership. At the heart of the Torah is sacrifice—Passover and Atonement. At the heart of the Gospels is the cross. Moses forsook the power, privilege, and pleasure of Egypt's royal family and spent 40 years in the wilderness preparing to save his people from bondage. Jesus "humbled himself and became obedient unto death," that He might save His people from their sin.

God of perfect love, at this time of unprecedented economical, political, and moral crisis, great leadership is demanded. Save us from those whose self-interest dominates their lives. Give us leaders who are prepared to sacrifice personal ambition for the sake of the Nation; who refuse to seek great things for themselves for the sake of the people. Expose to themselves those whose rhetoric has no connection with intention or commitment.

We pray in the name of Jesus who refused to save Himself that He might save His people. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 25, 1993.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mrs. MURRAY 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 now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes.

Mr. DORGAN addressed the Chair. The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. I thank the Chair. (The remarks of Mr. DORGAN pertaining to the introduction of S. 1015 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Madam President, I yield the floor. The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Maine.

Mr. COHEN. I thank the Chair. (The remarks of Mr. COHEN pertaining to the introduction of S. 1016 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COHEN. Madam President, I will not take the time, given the limited time we have this morning for morning business, but I will simply call the attention of my colleagues to the introduction of legislation and seek their cosponsorship.

I now yield the floor. The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Nevada.

KURDS

Mr. REID. Madam President, one of the things I remember well during my time here in the Senate is the debate that took place on this floor regarding President Bush's authority to allow American troops to go and thwart the efforts of Saddam Hussein. It was truly a proud moment of this body and our country.

We halted the aggression of a modern-day Stalin or Adolf Hitler. The problem is we cannot rest on our laurels with regard to Saddam Hussein.

I read in the New York Times yesterday—and I have heard numerous accounts—that Saddam Hussein is planning to attack the Kurds again in northern Iraq. Such an assault can begin as early as next week. We cannot let this happen.

A year ago, the Kurds held a democratic election. One of the people there to count the votes to make sure the vote was conducted fairly and properly was a former Governor of Nevada, Michael O'Callaghan.

I looked at the photographs he took while he was there. I have listened to him recount the stories of his days in the Kurdish areas of Iraq, where people on election day lined up for blocks and blocks, in spite of the threats from Saddam Hussein. They were willing to take a chance and vote, and they did; they now have a democratically elected government.

The United Nations, though, is planning to remove its minuscule peacekeeping force from northern Iraq, and they are planning to do it very soon. What kind of a message does this send to the madman, Saddam Hussein?

I believe, Madam President, that President Clinton and Secretary Christopher should instruct our Ambassador to the United Nations to encourage an increase in the forces, not tell them to leave. We must let Saddam Hussein know we are serious. We must let him know that he cannot get away with murder, as he has most of his adult life.

The United States has already made, as I have indicated, a large investment in this area. We have sacrificed American lives, equipment, and significant amounts of money.

If Saddam Hussein is allowed to invade, or encouraged to invade by our inaction, the entire region will be destabilized.

The New York Times, for example, reports:

"The Iraqi forces have moved long-range artillery, trucks, and tanks up to the front in the last few days," said Jabar Farman, Defense Minister for the Kurdish Government.

Kurds along the front line, which are subject to daily shelling and gunfire, wait nervously.

In nearby Awena, witnesses said Iraqi troops, in a March raid, mutilated and shot 17 people to death.

This, Madam President, is serious. "The United Nations and America told us to come back, that it was safe," said Nadir Ali, a 22-year-old vegetable vendor. "But now it looks like we are being left alone, us against Saddam. There is nothing we can do in front of an Iraqi attack but run."

Madam President, the Turks and Iranians do not want, cannot support, and

should not have to support 3.2 million Kurds who will leave in the face of violence from Saddam Hussein.

The Kurds are now low on supplies. The World Food Program and the United Nations have said their supplies are running low. Relief agencies are shutting down.

They are also dealing with a deteriorating infrastructure. Some of the pictures I talked about earlier are certainly graphic, illustrating how this old part of the world is falling apart in the light of the fact that they have had no ability to have a stable government due to the fact that Saddam Hussein continually harasses them. Roads, sewers, bridges, and power lines are all in trouble. There are shortages of basic materials for life.

According to reports, a teacher in northern Iraq makes \$10 a month, yet a bag of rice costs \$20. They are simply starving to death in front of us.

It is no wonder Saddam Hussein is moving his troops closer. Saddam Hussein is an expert at preying on the weak. He has done it, as I have indicated, his whole life. He did it when he was head of the secret police, where he killed and had killed thousands and thousands of people.

During Saddam Hussein's reign of terror in this region, hundreds and hundreds of villages were wiped out. We all can recount in our mind's eye the gas attacks, where little babies in their mothers' arms were found dead because this man of brutality, this sinister man, allowed gas attacks on these villages.

Are we going to stand by and let women and children flee into the bitter cold mountains? Are we going to allow this to happen again? We cannot allow this to happen. We must increase the U.N. presence, and we must send a message to Saddam Hussein that he cannot do this.

Last year, this body and the other body appropriated \$70 million to aid the Kurds. Unfortunately, the Defense Department has refused to implement the plan we directed them to implement. This is a plan that included medical clinics, mobile grain silos, and automatic building machines which would allow these metal buildings to be put up very, very quickly.

We have focused attention, as we should, on 400 terrorists the Israelis expelled. We can see the pictures of them out in the desert air—400 terrorists. Should we not focus a little bit of attention on 3.2 million people who are trying to maintain a way of life they have maintained for over a thousand years? Are we going to turn our head?

I call upon Secretary Aspin to review this situation and take appropriate action.

In addition, we need to consider a winterization program and a long-term basic human needs program. This is the kind of message we should send to Sad-

dam Hussein—that we support the Kurds and that we support democracy.

Unless we want to see the destruction, gas attacks, torture, and execution of people striving for democracy and a chance to live in peace, we had better do something about it. Humanity cannot let the modern-day Stalin flourish. Humanity must not let the modern-day Hitler exercise his sadistic brutality.

Mr. MATHEWS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Tennessee.

APPALACHIA SERVICE PROJECT

Mr. MATHEWS. Madam President, I rise today to talk about a southern tradition and how one organization is working to pass that tradition on to new generations. When people talk about the South, they often talk about the hospitality of a place where friends and neighbors know one another by name, look after one another and help each other out from time to time.

I am pleased to say this particular southern characteristic is alive and well in Tennessee, and it was on display here in Washington earlier this month.

Early in May, a group of folks from Johnson City in northeastern Tennessee were here on Capitol Hill to receive a National Maxwell Award of Excellence presented by Fannie Mae. The award, which included a \$25,000 grant, was recognition of excellence in creating affordable home ownership opportunities for working poor families.

Although this nonprofit group, known as the Appalachia Service Project [ASP] is located in Johnson City, it serves the four States of Tennessee, Kentucky, Virginia, and West Virginia.

The project for which they were being honored happens to be located just across the Tennessee line in Lee County, VA, and it involved building new homes on scattered sites for very low-income families. ASP's roles included acting as contractor, lender, loan packager, home ownership counselor, and social worker if needed.

Originally founded by a church group to help make emergency home repairs for low-income households, Appalachia services added its new homebuilding program in 1985 and has completed 17 new homes as well as 30 major reconstructions in the past 8 years.

Last summer, the group used more than 60,000 church volunteers to repair 250 homes in the area. Costs are kept low—average \$34 per square foot—by using their own construction crew combined with extensive volunteer labor from members of churches across the Nation, donated material and land, and upon occasion, sweat equity.

Amazingly, since the beginning of this program, none of these home-

owners have defaulted on their mortgages in spite of their very modest incomes. A major reason for this lending success is that ASP provides one-to-one home ownership and maintenance counseling to the families as well as receiving their monthly payments. ASP then pays the mortgage.

The program reaches families whose incomes are so low they cannot qualify for conventional financing yet are a good credit risk. ASP packages financing individually to meet the needs of each borrower. They also arrange for zero to 5 percent interest rate mortgages with various State agencies and lenders.

The Fannie Mae Maxwell Awards of Excellence were created to recognize nonprofit organizations and encourage their work to develop and maintain housing for low-income Americans. For the 5th year, the Fannie Mae Foundation has made grants of \$25,000 to each of six nonprofit organizations, judged by an independent panel as having produced the best examples of low-income housing projects during the past year.

As a Tennessean, I am proud to see a Tennessee group reaching out to make the dream of home ownership a reality for working poor families in the Appalachian region. I congratulate them.

Thank you, Madam President, for allowing me to take this time to honor an organization which is working to make the lives of so many, so much better.

Madam President, not noting anyone on the floor seeking recognition, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

LINE-ITEM VETO IV

Mr. BYRD. Madam President, today I continue in my series of speeches concerning the line-item veto, with particular emphasis on the history of the Romans.

Now, why am I doing this? These speeches do not make any headlines. My staff does not rush out with press releases. The speeches are not expected to make news.

I hope, Madam President, by these speeches to enhance the understanding and the appreciation of all those who will listen—Members of the Senate, Members of the House, representatives of the press, and the public in general. I hope to enhance their understanding of the importance of maintaining a legislative branch that is free of domina-

tion from an all-powerful executive, and of the critical role that the power over the purse plays in the constitutional mechanism of separation of powers and checks and balances that was handed down to us by the constitutional Framers in Philadelphia in the year 1787.

Why history? Because many, if not most, of the Framers were conversant with Roman history and with the history of England. They were also very familiar with the political philosophy Montesquieu, whose political theory of checks and balances and separation of powers influenced them in their writing of the Constitution. Montesquieu was also influenced in his political philosophy by the history of the Romans by contemporary English institutions, and by English history. Montesquieu never wrote a history of the Romans, as I have heretofore observed.

And so, Madam President, I proceed, then, with another in my series of speeches on the overall subject of the line-item veto.

In 509 B.C., the Romans switched from a king as the executive to the election of two consuls as dual executives, with equal powers; both to be elected at the same time, each to be elected for a one-year term, and each having a veto over the other consul's actions.

To avoid an overuse of the veto, to avoid its being too frequently applied, the two consuls alternated from month to month in taking charge of the administration when both were in the city. And when both were in the field with the Roman legions, they held the chief command on a day-to-day basis, alternating from day to day.

Thus, we see that the duality and collegiality represented by two consuls, constituted the Roman answer to any possible threat of a return to monarchical rule.

In addition to the two consuls, we noted last week the development of various other magistracies. Today, I would like to add three: The interrex, the Master of the Horse, and the proconsul.

The interrex was an individual appointed by the Senate upon the death of a king, with provisional authority to rule until another king was chosen. Later, in the Republic, an interrex was appointed when both consuls died or resigned—their seats being vacant. And he was to rule with the Imperium, the authority of a consul. He was to have twelve lictors, who would escort him.

The interrex had to be a patrician and he had to be a Senator. His appointment was only for a few days at a time, five days, ten days, so on.

The Master of the Horse was nominated by a dictator who, under the Roman Constitution, could only serve a maximum of six months or until his task was done, whichever was the lesser. The Master of the Horse was nomi-

nated by the dictator to serve as his, the dictator's, subordinate. He could take the place of the dictator in the field or in Rome.

The Imperium of the Master of the Horse was a derivative of the dictator's Imperium, and the Master of the Horse ended his commission when the dictator laid down his office.

Now, as to the office of proconsul, in 327 B.C., Quintus Publilius Philo, a consul, was besieging the city of Naples and was about to take it, when his 1-year term of office came to an end. What was to be done? He no longer had the authority to command the armies.

The Roman people voted his continuing Imperium for no more than a year or for such time as was needed to complete his task, whichever was the lesser. Therefore, his command of the army, his Imperium, his office of consul, was continued temporarily into the next year, 326 B.C. It meant that he was to continue as consul for a limited time after his regular term of office as consul had expired.

We have also observed the development, the origins, and the functions of the various assemblies of the people. We have observed that a Roman Senate had existed since the earliest days of the kings. But what about the people's assemblies?

In our own federal system, we have two assemblies. We have two bodies here in the Congress: We have the Senate; we have the House of Representatives.

From the beginning of the era of the kings, there was an assembly of the people. The first assembly was the comitia, meaning "assembly"—the comitia curiae, made up of the curiae. There was the comitia centuriata, which was an assembly of centuries; then, the concilium plebis, or council of the plebeians; then, the comitia tributa, the tribal assembly. And, in the case of each of these assemblies, the convening of the assembly had to be by a magistrate.

The assembly could only vote up or down on the subject matter presented by the presiding magistrate. The assembly could not amend the proposal. The Senate could veto the actions of the people's assembly of the assembly. In order for the actions to become law they, therefore, had to have the ratification or approval of the Senate.

The Senate, therefore, was supreme. We saw that in the fourth century, the plebiscite of Ovinus, a Roman Tribune, was enacted. It presented a formulation of regulations by which individuals were to be enrolled into the Senate as members thereof. The plebiscite gives preference to ex-magistrates. So, by law, the censors, who enrolled members into the Senate, were required to give preference to worthy ex-magistrates.

What did this mean? This meant that the exercise of excessive personal or

factional influence over the composition of the Senate was curbed. It also meant that the guarantee of a future seat for life in the Senate was an incentive to every magistrate to do his best during his tenure of office, to act honorably and to serve effectively so that he would be considered an individual worthy, when his term of office ended, of enrollment as a member of the Senate.

It also meant that the Senate, albeit indirectly, was popularly elected, because it was made up of ex-magistrates who had had to stand for election before entering upon their various offices—the consuls, the censors, the praetors, the quaestors, and so forth.

It also meant that this Senate, for the most part, being a body of ex-magistrates, would be a gathering of the wisest men in Rome—men who had held high administrative positions in the government, or had commanded armies in the field, or both, before entering the Senate.

The Senate held the power over the purse. It was supreme in financial matters. It regulated the coinage, it determined the rate of tribute, it supervised the revenues and the expenditures, it controlled the aerarium.

The aerarium was the state treasury, located in the Temple of Saturn below the capitol, and was in the care of two quaestors. In the aerarium were the silver and gold ingots, the bronze lumps and bars, and, after 269, the Roman coins that were made of silver and bronze. Some of the other tribes had proceeded with the manufacture of coins before the Romans did. Also, in the aerarium were the papers, the documents of state. It was the receptacle of the senatus consulta. What was a senatus consultum? A senatus consultum was the advice of the Senate to a magistrate. In Republican times, it did not have legislative force, but de facto it was binding.

I said last week that the Roman Senate met from dawn until sunset. The senatus consultum was drafted after the day's session of the Senate, in the presence of the presiding magistrate and in the presence of witnesses, included among whom was the proposer, or author of the senatus consultum.

The senatus consultum contained the name of the presiding magistrate, the date, the place of assembly, and the terms or substance of the senatus consultum. It indicated the number of Senators who were present when the senatus consultum was approved. It also gave the names of witnesses to the drafting of the senatus consultum, and it included the capital letter "C," indicating that the Senate had given its approval. The texts of the Senators consulta were deposited in the aerarium.

Plutarch writes that before the consulate of Marcus Tullius Cicero, there were no shorthand writers. Cicero lived

between 106 B.C. and 43 B.C. Cicero had recruited a number of the swiftest writers, and he taught them the art of abbreviating words by characters. He placed them in various parts of the Senate house. The records were filed in the aerarium.

Madam President, from the very earliest times, the Romans seemed to be incessantly involved in fighting battles with neighboring tribes. From time to time, the Romans would lose a battle, but they always won the war.

One such battle was the Battle of Caudine Forks in 321 B.C. It took place during the Samnite wars. Gaius Pontius was the general leading the Samnites on this occasion. The two Roman consuls were Titus Venturius Calvinus and Spurius Postumius. These two Roman consuls and their armies were on their way to Luceria. There were two routes by which they could go, but the Samnite general lured them into choosing the shorter, and the more dangerous, of the two routes.

The route that they chose led through two gorges—steep, wooded, and narrow. Between the two gorges, there was a wide, grassy plain. The road ran through the center of this valley.

The Romans passed through the first gorge and emerged into the valley. As they proceeded to the second pass, they found it blocked by a barrier of large rocks and fallen trees. At the head of the pass, they noticed some armed men, and it was apparent that they had fallen into a trap. They quickly retreated to the other gorge from which they had entered into the valley, and they found it, by then, likewise, barricaded with rocks and controlled by armed services.

Every effort to extricate themselves was in vain. Finally, their supplies ran out, and they were driven to attempt to make a reasonable, honorable peace. The two consuls consulted with Gaius Pontius, the enemy general, who stated that he was prepared to make a treaty if the Romans would vacate Samnite territory.

The two consuls insisted that they were not authorized to make a treaty without the approval of the Roman people. The Romans were ordered to leave immediately and to lay down their arms.

The two consuls were ordered to dismiss their lictors and to remove their cloaks, their General's cloaks. Then the two generals were forced to walk under the yoke. The yoke was two spears erected vertically a few feet apart, with a third spear across the two upright spears.

This was the yoke. And the legions, made up of 20,000 Romans, were forced to march under the yoke. They had to bend to go beneath the yoke. And they were stripped of every bit of clothing, except for a single garment. They were forced, therefore, to walk half-naked

beneath the yoke, while on each side, the enemy soldiers were armed and stood there cursing and taunting the Roman legions as they marched beneath the yoke.

The expressions on the faces of Romans, imaginably, were expressions of humiliation and embarrassment, the expressions of captives. They entered the city of Rome far into the night and stole away, each to his own house. The next day, not one of them ventured forth into the forum or into the public streets. It was a terrible defeat for the Romans. But, as Montesquieu said, the Romans "never sought peace except as victors. They always increased their demands in proportion to their defeats."

The more disastrous a defeat, the more the stakes went up, the more the Romans increased the ante, the more they increased their demands on the enemy. They were an indomitable people.

The Samnite wars, which continued sporadically from 343 B.C. to 290 B.C., ended with the Romans victorious. It was apparent then that the Romans, having conquered the Samnites, who were an ancient people in southern Italy, living in the Apennines, intended to extend their sway throughout the whole peninsula.

The rich Greek city of Tarentum resisted the penetration of the Romans into southern Italy. The Romans had established a garrison at Thurium, not far from Tarentum, and the Romans enhanced that garrison by providing a squadron of ten galleys to cruise in the Gulf of Tarentum.

One day, the Tarentines saw these galleys at the entrance of the port in the Gulf of Tarentum. The Tarentines immediately manned their own vessels, went out and attacked the Roman squadron, destroyed four of the galleys, took one, and butchered the crew. Emboldened by this seemingly easy success, they then drove out the garrison from Thurium and plundered the city.

Shortly thereafter, a Roman ambassador, Lucius Postumius Megellus, appeared and demanded reparations. He had been sent by the Senate. The Tarentines gave him an audience in the theater, and he used such Greek as he could command. He did not do very well with the language. Each time he placed the wrong accent on a word, the Tarentines would burst out in a laugh. And when he remonstrated, they laughed all the more. They called him a barbarian and, at last, hissed him off the stage.

As the grave Roman senator retired, a Tarentine, who, by his constant drunkenness, had been nicknamed the "Pint-Pot," came up to Megellus with gestures of the grossest indecency and bespattered the senatorial gown with filth. Megellus turned to the multitude and held up the bespattered gown, as

though appealing to a universal law of nations. At this sight, the Tarentines burst out in even greater laughter. They set up such a loud laugh as shook the theater. Megellus paused. "Men of Tarentum," he said, "laugh. Laugh now. It will take not a little blood to wash this gown."

By the way, this incident is mentioned in one of "Macaulay's Lays of Ancient Rome."

The Romans then advanced on Tarentum. The Tarentines invited Pyrrhus, a Greek general, to descend upon Italy. Pyrrhus was king of Epirus and was the most able of all of those who claimed to be the heirs of Alexander.

His words, when he saw the encampment of Romans, were full of meaning: "These barbarians have nothing barbarous in their military arrangements."

He sought to negotiate with the Romans. He proposed that if they would leave Tarentum and the other Greek cities, free, and if they would restore to the Samnites, the Apulians, the Lucanians, and the Bruttiums, the cities and the land which the Romans had taken from them, he then would offer to enter into an alliance with the Romans.

But the Romans repelled every offer. Pyrrhus had brought with him 25,000 men, well trained in the Macedonian battle formation. He had also brought 20 elephants. The Romans were not prepared for the onset of the elephants. This is the first occasion on which elephants had been seen on the Roman Peninsula. Alexander had encountered elephants in his battles with Darius the Third, at Issus in 333 B.C., and at Arbela, sometimes referred to as the battle of Gaugamela, in 331 B.C.

The Romans, as I say, were not prepared for the elephants. The battle of Heraclea was lost by the Romans. Pyrrhus won, but at great cost. At the conclusion of the battle, he exclaimed, "Such another victory, and we are undone."

Pyrrhus, in crossing the Adriatic, had counted on an easy war. Instead, he had met with the most redoubtable of adversaries. He renewed his peace proposal to the Romans. He offered again the same proposal, but this time he added a provision that he would free all Roman prisoners without ransom.

Cineas, the philosopher, was charged by Pyrrhus to submit the proposals to Rome. Cineas spoke before the Roman Senate. He had brought with him bribes for Roman Senators, and rich robes for Senators' wives. But he found no takers. He found no one venal, but he made an eloquent speech to the Roman Senate.

Pyrrhus had said that the eloquence of Cineas had gained for him, Pyrrhus, more cities than had been gained by arms. Cineas almost persuaded the Roman Senate to accept the peace proposals by Pyrrhus.

Appius Claudius Caecus was a renowned Roman who has been compared to the aristocratic founders of Athenian democracy. When he was censor in 312 B.C., he enrolled in the Senate several persons of low birth, plebeians, and the sons of freedmen. He did this in order to get their votes, their support for his plan to build a highway, the Via Appia, into southern Italy, and his plan to construct the first aqueduct, the *Aquae Appia*. The cardinal feature in the policy of Appius Claudius Caecus was to enlarge Roman control over the entire Italian Peninsula.

When Caecus heard that the Romans in the Senate were about to be convinced by the silver-tongued Cineas, he had his servants carry him to the Senate house, whereupon his sons and sons-in-law led him into the Senate. He was old. He was blind. When Caecus—who had been censor, consul, proctor, interrex, and dictation—entered the Senate, he was met with a silence of respect.

He said, as related by Plutarch:

"Hitherto, I have regarded my blindness as a misfortune. But today, Romans, I wish I were as deaf as I am blind. For then, I would not have heard the reports of your shameful counsels and decrees, so ruinous to the glory of Rome. You tremble at the name of Pyrrhus. Do not expect that, to enter into an alliance with him, you will rid yourselves of him. That step will only open a door to many invaders. For who is there who will not despise you and think you an easy conquest if Pyrrhus not only escapes unpunished for his insolence, but also gains the Tarentines and Samnites as a reward for insulting the Romans? Tell Pyrrhus to leave Italy. Then we will talk with him."

When Caecus concluded his speech, the Senators voted unanimously to continue the war. They told Cineas that if Pyrrhus continued to stay in Italy, he would be pursued with force, even though he should have defeated a thousand Laevinuses—Laevinus having been the Roman consul who was defeated at Heraclea. They ordered Cineas to leave town that day, after they had levied two additional Roman legions right before his eyes.

Cineas was impressed. The sight of this great city, its austere manners, and its patriotic zeal struck Cineas with admiration. And when he had heard the deliberations of the Senate and observed its men, he reported to Pyrrhus that here was no mere gathering of venal politicians, no haphazard council of mediocre minds, but in dignity and statesmanship, veritably "an assemblage of kings." Cineas told Pyrrhus that it would be a mistake for Pyrrhus to continue in this war with the Romans, because they were in such great numbers, they could create new legions so fast that Pyrrhus would find himself engaged in a war with the Lernaean hydra, which was a serpent

or a monster with nine heads that lived in the marshes near Lerna. According to legend, each time Hercules had cut off one head, two more appeared, unless the wounds were cauterized.

Pyrrhus fought a second battle at Asculum with the Romans in 279. The Romans were defeated again, with great losses on both sides. But in 275, the Romans defeated Pyrrhus at Beneventum, and he returned to Epirus with only a third of his expeditionary force. In 272, Tarentum fell, conquered by the Romans. With its fall, the Romans, who had founded the little fledgling city on the banks of the Tiber 500 years before, now controlled the entire peninsula from the Po Valley in the north to the Ionian Sea in the south, from the Tyrrhenian Sea on the west to the Adriatic on the east.

What was the secret of their success? Well, of course, the major secret—and there were several secrets of their success—the one which I will mention today was their superior military system. The consuls commanded the armies in the field. The consuls may not have been always great, or even good, generals, but they were always soldiers of experience, because it was a requirement of a candidate for office in Rome during the republic that he had to have a record of at least 10 military campaigns. And the subordinates of the consuls, the military tribunes, were also veterans, because they, too, had to experience 5 or 10 campaigns.

But the main factor in the military success of the Romans was the iron discipline—the iron discipline and respect for authority that the Romans had learned first at the hearth in the home. The Consular Imperium gave to its holder absolute power over the soldier in the field, and the penalty of neglect of duty, cowardice, or disobedience was death.

There is one example I shall mention here that will suffice. In 340 B.C., the Roman armies were fighting the Volscians, Campanians, and the Latins. The Roman armies were encamped near the city of Capua in southern Italy. The two Roman consuls were Decius and Titus Manlius Imperiosus Torquatus. The Roman consuls felt that, if there ever were a time when military discipline was vitally important, it was on this occasion, because they were fighting against people who had the same language, customs, weapons, and the same battle tactics. Many times, the common soldiers, the centurions, the tribunes, had mingled and fraternized together in the same companies with the enemy. Therefore, the two consuls felt that, in order to avoid confusion that might end in a terribly disastrous error, they should pronounce an edict that no Roman should leave his rank to attack the enemy until commanded or ordered to do so by the Roman consuls.

The edict was issued. The soldiers then went out upon patrols, recon-

noitering the territory, and the leader of one of these Roman patrols was Titus Manlius, the son of Titus Manlius Imperiosus Torquatus, the consul. Young Manlius and his squadron came near to the enemy. The commander of the cavalry of the enemy was named Geminus Maecius. As he saw the Roman patrol approaching, he recognized the leader of the patrol as the son of the Roman consul. He challenged Titus Manlius to fight. The other soldiers stood back, and Titus Manlius, in the anger of the moment, forgot the edict of the consuls and rushed forth to do battle. The two horses and their riders rushed toward one another. Titus Manlius charged with such force that he drove his spear into the mouth of Geminus Maecius, and it emerged between his ribs. Titus Manlius then removed the spoils of the enemy and carried them back to the tent of his father, the Roman consul. When he told his father what had happened his father turned his back on his son and ordered that the trumpet be sounded for an assembly.

When the assembly had gathered, the father then turned to his son and said: "You, Titus Manlius, have respected neither the edict of the consuls nor the authority of your father. You have undermined the military discipline upon which Roman power has always depended. Because of this, it is better that we be punished for our sins than that the republic suffer to atone for our transgressions. I am affected both by the inborn love of a father and by these tokens of your courage. But the orders of the consuls must either be confirmed by your death or be forever nullified by your immunity. Go, lictor, bind him to the stake!"

This was the "Manlian discipline" that was so often referred to by posterity. It was a harsh discipline, but it taught Roman soldiers to be obedient to the orders of their commanders. And it was said that Roman soldiers feared their commanders more than they feared the enemy, because they knew what the penalty would be for disobedience, for cowardice, or for neglect of duty.

Now, Mr. President, with the unification of all Italy we have brought the Romans to the point where they were becoming increasingly involved in international affairs. But for now, let us just reminisce in these last few minutes.

We have seen a Roman system develop through chance, experience, trial and error; a Roman system of checks and balances—the veto of each consul as against the acts of the other, the veto of each plebeian tribune as against the acts of the other, or the acts of the consuls. We have seen the origin and development of the assemblies of the people. We have also seen that their legislative actions could not become law without the approval of the Senate—another check and balance.

We have seen the Senate as an institution that existed from the beginning, from the very first king, the legendary king Romulus, who appointed 100 of the wisest men to the Senate. We saw its membership increase by 100 under Tarquinius Priscus, and we saw the membership increase by an additional 100 under the first Roman consul, Lucius Junius Brutus in 509 B.C.

We saw the Senate supreme. We have noted that it had absolute control over the purse. We have noted that it was free from the domination of any consul, free from domination by the executive.

We have seen the separation of powers in the Roman system—the consuls, the tribunes, the quaestors, the praetors, the aediles, the interrex, the proconsuls, the Master of the Horse, and so on—some to act as judges, some to act as administrators, some to act as legislators in assemblies, some in the Roman Senate.

The Senate had control over the treasury, while the assemblies declared war or peace. It was the Senate that waged war. We have seen the Senate wage wars—with the Tarentines, the Samnites, the Apulians, the Lucanians, and with Pyrrhus.

We have seen a Senate that was made up of wise men, the wisest in the state, wisest because they were selected through the process of experience that guaranteed that there would be a body of men who had held command of the armies in the field, and others, who had held high positions in government. A pillar of strength—that was the Roman Senate.

We have marvelled at the respect for authority and the imposition of discipline that began with the child in the Roman family, in the home—not only a respect for authority, but also a reverence for the gods. They were pagan gods, to be sure, but there was reverence for the gods.

It was that respect for authority, that discipline, that reverence for the gods, that made the Roman character what it was and made the Romans so victorious in battle.

Each Roman believed that Rome had a good-decreed destiny to be fulfilled, and each Roman believed that it was his personal duty to assist in achieving further that destiny, the destiny of his country.

We can see so many parallels in the long Roman history with our own beginnings in our own country. And as we proceed, we shall see the continuing ascendancy of the Roman state and the Roman people, and then the beginning of the decline, a slow but fatal decline.

We will find that as long as the Roman Senate was independent of the dominance of any body of persons or the dominance of any executive, Rome grew in strength and influence. We will also see that when the Roman Senate declined and was dominated by an all-

powerful emperor and by the praetorian guard—Rome also declined.

Mr. President, I yield the floor.

MAX WARBURG COURAGE CURRICULUM

Mr. KENNEDY. Mr. President, I rise today to recognize an excellent program in the Boston public schools.

The Max Warburg Courage Curriculum defines, discovers, and celebrates courage as an enabling virtue for 4,200 sixth graders in the Boston public schools.

The Max Warburg Courage Curriculum honors the life of Max Warburg, a Boston sixth grader, who showed extraordinary courage through his life and battle with leukemia. His courage was most evident when he led bone marrow donor recruitment drives under the banner Max+6000 for the National Marrow Donor Program. Along with representing his own needs, Max gave hope to the 6,000 others facing such life threatening blood diseases. "Even if you are not helping me you are helping someone else" he said in a television interview, "It is so simple." As the result of Max's leadership, inspiration and the forces he marshaled, the National Marrow Donor Program increased its donor pool by 2 percent.

The curriculum was developed during the summer of 1991, 2 months following Max's death, by the Boston public schools. The curriculum schedule begins with teacher orientation and workshops and ends with a mid-May award ceremony for the participating teachers and students. The students begin the program with a videotape about the story of Max Warburg, followed by reading the year's novel selected for its presentation of courage. The "Bridge to Terabithia" by Katherine Paterson and "Roll of Thunder, Hear My Cry" by Mildred Taylor are the novels selected to date for 1992, and 1993, respectively. From this and classroom discussion the students set out to write about their own perception and experiences with courage. From the essays submitted, 23 of the best at describing "Courage in My Life" are selected by a panel of 25 Boston writers. The selected essays are published in the volume "The Courage of Boston's Children" and their authors become Max Warburg fellows.

The curriculum was created through the efforts of Charlotte Harris, Martha Gillis, and Peter Golden of the Boston public schools, and the financial support of Max's parents, relatives, and friends. Through their desire for a commemorative program which would reflect Max's spirit and their collaborated efforts, they initiated a values, literature, and writing curriculum. The Max Warburg Curriculum is the first privately sponsored program for the Boston public schools.

Underwriting this curriculum cost between \$50,000 and \$75,000 per year. Ex-

penditures are guided by the advisory committee which include Jonathan and Stephanie Warburg, Mrs. Nicholas Bright, Dr. Robert Coles, Nancy Condit, Susan Coppedge, Ann T. Hall, Jane Harman, Kasey Kaufman, Alexandra Marshall, Beth Pfeiffer McNay, David Rockefeller, Jr., Suzanne Rothschild, Deanne Stone of the Foundation for Children's books, Nina Thompson, and at its leadership.

The greatest courage may be that which is needed to follow your own vision. For the students to recognize courage within themselves and to recognize their own capacity to learn through literature by the goals of this curriculum. The vision of the founders is that the curriculum will become a permanent part of the literature curriculum of the Boston public schools and in time other schools, public and private, will be able to adopt the Max Warburg Courage Curriculum.

PROTECTING THE AMERICAN MILITARY FROM BECOMING THE NEW AMERICAN POOR

Mr. MCCAIN. Mr. President, now that we have had the opportunity to fully examine some of the budget proposals made by President Clinton, I believe that it is essential that we take a more detailed look at the impact of his effort to cut military pay as a method of funding his domestic spending program. Both the administration and the Congress need to fully understand the implication of such pay cuts, and the obligation we owe to the men and women who volunteer to risk their lives for their country.

We need to understand that the men and women in our Armed Forces are not some procurement program that we can fund or cut without human consequences. We need to recognize that their jobs are real and serve a vital national need, and that they are not some form of laboratory rats that can be used for interesting social experiments.

We are talking about real people with lives and families. If they differ from the rest of the American people, it is only in their exceptional dedication to public service and their willingness to risk their lives. If their jobs differ from ordinary jobs, it is only in that they involve exceptional risk and hardship for what—in the past—has been an exceptional degree of job security and the promise of an early pension.

The military do, however, work under conditions that offer them less legal and political protection than most American workers. They do not have an enforceable contract with the President or with the U.S. Government. They not only live with the constant risk of combat deployments, they have no legal protection against actions by the administration or the Congress that suddenly alter their job security, hope of pension, pay and benefits, or any other terms of services.

This point has already been driven home by the manpower cuts that have occurred as a result of the end of the cold war. Military personnel and their families face a time of great turmoil. A job that seemed to be a lifetime career with a guaranteed pension now is one filled with firings and the loss of pension rights. Military moves have tripled in many units—costing wives their jobs and families a second income. Tours of duty are growing longer.

The issue of gays in the military, and the widening role of women in combat, threaten further major changes. Many elite specialties are now being phased out as a result of the end of the cold war. Many military benefits have been cut by 66 percent in the last 3 years.

Major cutbacks in recruitment and retention have a disproportionate effect on minorities, who have far fewer civilian opportunities. During the last 5 years, for example, the number of voluntary minority separations from the military has doubled, and the number of involuntary separations has tripled.

This is why we need to be extraordinarily sensitive to the pay cut issue. A slash and burn approach to cutting the defense budget hurts people and local economies, as well as undermines morale and our national security.

It is bad enough to treat civilian employees as if they somehow caused the deficit or the current recession, or as if their jobs and lives could be sacrificed for a vaguely defined jobs program. Federal employees are generally paid less than their civilian counterparts, and many barely earn enough to maintain a normal or middle-class lifestyle.

This is even more true of the men and women in the U.S. military. They also have already suffered a major drop in living standards as a result of past failures to provide them with increases in pay for inflation or to keep pay comparable with increases in civilian pay. The services estimate, for example, that annual military pay increases have already lagged 7.8 percent behind inflation in the last 10 years, and 11.7 percent behind the increases in pay in the private sector.

To put the impact of such trends in perspective, the lowest enlisted rank, an E-1, earns as little as \$9,533 per year, plus \$1,019 in allowances. Even many sergeants earn less than \$20,000, while few earn more than \$25,000. These personnel are exceptionally dependent on the base facilities and services provided to the military, but they have also seen a steady cutback in the quality of recreational and medical facilities provided to the military, as well as in the other support facilities provided to service men and women. As a result, the military services estimate that some 20,000 enlisted men and their families are now eligible for foodstamps.

This cut in real pay relative to inflation and increases in civilian pay has occurred at a time when such personnel

have lost other critical aspects of their economic security. As I have touched upon earlier, our military used to have two compensations for the sacrifices they made in serving their country and risking their lives. The first was career security, and the second was a pension at the end of their careers.

During the last few years, we have deprived many enlisted personnel of this job security and the promise of a pension. For example, 178,000 military personnel left military service last year. Enlisted voluntary separations in the Army—most of which involved no real choice by the individual involved—rose from 66,800 in 1991 to 128,100 in 1992. Air Force separations of all kinds rose from 43,500 to 63,000.

The cuts in the other services were far less severe, but all enlisted personnel and junior officers know that the cuts will be much sharper over the next 4 years. Hundreds of thousands of men and women will have to leave military service years before their careers end, and often without a pension.

Other aspects of President Clinton's proposed deficit reduction program are making this situation far worse.

Up to 400,000 additional men and women, and their families, will now have to leave military service by the end of 1998.

Many will have to be denied even the dignity of voluntary separation or will be forced to volunteer with little or no warning.

Many will be forced to leave the service so that domestic programs can be funded that will create fewer jobs than they destroy, or fund programs with little or no benefit to either our economy or our security.

No matter how dedicated and patriotic our men and women in uniform are, this already is having an impact on military readiness. Military capability is a function of morale even more than that it is a function of material and technology. A military force is only as effective as its personnel, as their motivation, and as their career structure.

If President Clinton's proposed pay cuts are ever implemented, they will make this situation much worse:

President Clinton's new budget deficit reduction plan calls for a 1-year freeze on military pay and benefits in fiscal year 1994, and a for a 1-percent reduction in the annual pay raise calculated on the basis of the employment cost index for fiscal years 1995-97.

Since the annual pay increase is already one-half percent below the employment cost index, this means that the growth in military pay will fall 10 percent behind inflation, and 19.9 percent behind the growth in private sector pay, during fiscal years 1993-97—the same years that will see devastating cuts in total personnel.

It is important to understand that what President Clinton proposed was a

cumulative process of annual cuts. This is why the CBO estimated that the military would lose \$1 billion in outlays for pay in fiscal year 1994, \$1.8 billion in fiscal year 1995, \$2.4 billion in fiscal year 1996, \$3.1 billion in fiscal year 1997, and \$3.3 billion in fiscal year 1998.

It is also why the CBO estimated the total loss of military and civilian pay as \$2 billion in 1994, \$3 billion in 1995, \$4 billion in 1996, \$5 billion in 1997, and \$5 billion in 1998.

Another way of putting military salaries in perspective is to consider the number of personnel who earn less than \$20,000—a relatively low salary for a decent life in much of the United States. If we only count pay, and not basic allowances for quarters and subsistence, there are 399,000 in Army, 332,558 in Navy, 137,900 in Marine Corps, and 259,400 in Air Force who earn less than \$20,000. Even if we do count all allowances, many enlisted men and women still earn less than \$20,000 per year.

The number of military personnel earning less than \$20,000 per year, and include the value of free housing and all allowances, get over 302,600 for Army, 136,900 for Navy, 83,600 for the Marine Corps, and 78,600 for the Air Force. This is a total of 601,900.

The number of men and women earning less than \$20,000 per year with all allowances compromise approximately 45 percent of Army, 45 percent of Marine Corps, 26 percent of Navy, and 18 percent of Air Force. Of this total, 118,000 are minorities, 111,600 have families, and 6,515 are single parents.

These are not the people who should bear a special burden in deficit reduction. They are not the kind of people of whom it is fair to ask new sacrifices after years of failing to give them the pay raises they have earned. Putting on a uniform does not mean wealth or security, or that any man's or woman's true income should be forgotten for the convenience of those who have never really understood or cared about the military.

The new military poor, however, are only part of the human factor we should consider in evaluating military pay cuts. Men and women who volunteer to serve their country not only have a right not to be poor, they have a right to decent pay.

There is no clear standard for middle-class income in the United States, but \$30,000 is a reasonable annual income for a decent middle-class life. If we use such a figure, it is clear that the hardships imposed by President Clinton's pay cuts would affect even more Americans.

Seventy to eighty percent of all enlisted men and women earn less than \$30,000 per year. Roughly three-quarters of all military personnel in the United States barely qualify for middle-class living standards or fall below them.

Seventy-seven percent of all Air Force enlisted personnel, and 64 percent of all Air Force personnel, earn less than \$30,000 a year. We are talking about 283,000 men and women in Air Force uniform earning less than \$30,000 a year. We are talking about 46,000 black Air Force servicemen, 10,000 Hispanics, 9,000 other minorities. 65,000 in all. Further, 130,000 of these personnel have families, and 5,500 are single parents.

Each service has a different mix of personnel and specializations, and the Marine Corps is less well paid than the Air Force. Over 85 percent of all enlisted Marines earn under \$30,000—some 154,000 men and women. This total includes 31,200 black marines, 13,000 Hispanics, 6,000 other minorities: 50,000 in all. It includes 73,000 marine families, and 4,300 single parents.

The Army has 438,000 enlisted personnel earning less than \$30,000. Approximately 175,000 of these men and women, or 40 percent, are minorities. Some 224,000 are married and 26,000 are single parents.

The Navy has 396,000 men and women earning less than \$30,000 a year, of which 387,000 are enlisted personnel. These totals include 80,800 black Americans, 31,500 Hispanics, and 1,500 other minorities for a total of 115,000. Roughly 191,000 of these Navy personnel have

families, and 12,300 are single person-
nel.

If we add all of these figures together, we are talking about significant—almost uncaring—damage to the lives of over 1.1 million enlisted men and women and their families. This is simply too large a total to ignore.

We must never again violate the trust of an all volunteer military. We must not single them out for further sacrifice, any more than we should single out career civil servants. We must not treat them as if the only thing that mattered about them was the total cost of their pay, and they were not real human beings with some of the most vital jobs in our country.

The cost of preserving that trust is also affordable—particularly when we remember that we are preserving well-earned jobs as well as national security. We are talking about additional expenditures of \$1 to \$3 billion a year.

If the rate of cuts in the budget of the Department of Defense can be reduced by \$2 to \$5 billion to compensate for undercosting of the defense program—as Secretary Aspin recently recommended—it should be possible to protect military pay as well.

If defense spending cuts are vitally necessary, then we could act immediately to kill useless expenditures like paying \$2.14 billion for a third Seawolf, or locking ourselves into an effort that

would protect one small part of the industrial base at the cost of over \$3 billion for each new submarine. This one change in the defense budget would largely eliminate the need for military paycuts.

I would hope that each of my colleagues will consider these facts. I also hope that each of my colleagues would examine the detailed tables that I have asked the services to prepare on the number of low paid military personnel in their service, and the impact of previous cuts in defense spending on accessions and separations. Mr. President, I request that these tables be included in the RECORD in full following the end of my remarks.

Gen. George Marshall said of our treatment of the American military after World War II that, "It was no demobilization. It was a rout." It would be as great an error to end the cold war with a disregard for the needs and morale of our volunteer forces. No amount of technology, no amount of infrastructure, no amount of weapons and munitions can ever substitute for human excellence, for human courage, or for human decency in the way we treat our men and women in uniform.

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

ARMY DATA ON THE IMPACT OF THE FEDERAL PAY RESTRAINT ACT OF 1993

Grade	Personnel	Black	Hispanic	Other	Married	Single parent
Active duty earning less than \$30,000 per year (BP&A):						
O-1	8,127	894	244	406	2,032	163
WO-1	2,017	182	40	141	1,009	81
E-6	74,872	28,451	4,492	4,492	61,395	5,990
E-5	99,104	36,668	3,964	4,955	75,319	7,928
E-4	141,989	44,017	5,680	7,099	72,414	8,519
E-3	58,038	13,349	2,902	2,902	16,251	1,875
E-2	38,452	7,690	2,307	1,538	7,690	345
E-1	25,843	5,944	1,809	1,034	4,135	1,034
Total	448,442	137,195	21,438	22,568	240,245	26,435
Percent		31	5	5	54	6
Active duty earning less than \$20,000 per year (BP):						
E-6	35,488	13,486	2,129	2,129	29,100	2,839
E-5	99,104	36,668	3,964	4,955	75,319	7,928
E-4	141,989	44,017	5,680	7,099	72,414	8,519
E-3	58,038	13,349	2,902	2,902	16,251	1,875
E-2	38,452	7,690	2,307	1,538	7,690	848
E-1	25,843	5,944	1,809	1,034	4,135	1,034
Total	398,914	121,154	18,791	19,658	204,910	23,041
Percent		30	5	5	51	6

Total separations by fiscal year

	1986	1987	1988	1989	1990	1991	1992
Enlisted Involuntary Separations							
Black:							
Male	7,796	6,853	7,206	7,327	7,273	5,941	6,491
Female	699	768	904	965	1,066	935	871
Hispanic:							
Male	639	643	619	625	520	477	606
Female	42	39	42	40	47	41	56
Other:							
Male	22,409	19,749	18,596	19,210	19,013	15,991	17,698
Female	1,904	1,861	1,858	2,011	2,083	1,940	1,934
Total:							
Male	30,844	27,245	26,421	27,162	26,806	22,409	24,795
Female	2,645	2,668	2,804	3,016	3,196	2,916	2,861
Enlisted Voluntary Separations							
Black:							
Male	21,132	22,037	20,664	16,525	18,866	14,382	36,712
Female	3,824	4,373	4,236	3,970	4,658	4,398	6,942
Hispanic:							
Male	2,902	2,912	2,688	2,360	2,525	1,943	4,456
Female	270	257	228	236	271	258	344
Other:							
Male	71,205	68,723	63,123	65,609	64,130	50,461	86,958
Female	8,632	8,500	7,623	7,945	8,168	7,345	8,527

	Total separations by fiscal year						
	1986	1987	1988	1989	1990	1991	1992
Total:							
Male	95,239	93,672	86,475	84,494	85,521	66,786	128,126
Female	12,726	13,130	12,087	12,151	13,097	12,001	15,813

Note.—“Afro-Americans” is not a specifically tracked Racial Ethnic Designator Category (REDCAT) grouping. The “Black” REDCAT grouping includes non-Hispanic soldiers. Voluntary separation figures include retirements, but exclude discharges for the purpose of immediate reenlistment.

IMPACT ON MINORITY RETENTION (OFFICERS)

	Fiscal year							
	1985	1986	1987	1988	1989	1990	1991	1992
INVOLUNTARY SEPARATIONS								
Afro-Americans	224	257	316	294	290	313	184	220
Male	166	196	262	234	223	235	134	168
Female	58	61	54	60	67	78	50	52
Hispanic	32	20	41	32	37	35	26	38
Male	31	16	36	26	32	30	18	33
Female	1	4	5	6	5	5	8	5
Other	59	53	87	83	88	54	74	60
Male	47	42	70	73	59	52	63	42
Female	12	11	17	10	9	2	11	18
Total (priorities and whites)	1,301	1,292	2,058	1,962	1,937	1,901	1,241	1,410
Male	1,139	1,111	1,810	1,700	1,677	1,674	1,015	1,179
Female	162	181	248	262	260	227	226	231
VOLUNTARY SEPARATIONS								
Afro-Americans	496	596	581	528	543	579	464	960
Male	388	459	456	413	437	459	351	767
Female	110	137	125	115	106	120	113	193
Hispanic	96	108	68	97	96	125	83	206
Male	87	90	54	80	83	107	69	178
Female	9	18	14	17	13	18	14	28
Other	157	166	183	178	199	210	213	367
Male	124	131	151	152	171	174	185	325
Female	33	35	32	26	28	36	28	42
Total	6,669	7,346	7,536	7,407	7,436	8,326	6,359	11,505
Male	5,889	6,498	6,691	6,527	6,835	7,312	5,461	10,163
Female	780	848	845	880	801	1,014	898	1,342
OTHER								
Afro-Americans	41	44	55	22	20	24	109	56
Male	35	34	49	19	17	22	89	47
Female	6	10	6	3	3	2	20	9
Hispanic	1	4	3	4	3	2	21	20
Male	1	3	2	4	3	2	18	19
Female	0	1	1	0	0	0	3	1
Other	6	7	9	5	5	5	32	27
Male	6	5	7	2	5	4	25	24
Female	0	2	2	3	0	1	7	3
Total	234	286	304	203	171	205	664	679
Male	213	257	278	187	149	187	570	600
Female	21	29	26	16	22	18	94	79

IMPACT ON MINORITY RECRUITING

	1985	1986	Actual		Total Annual Recruiting			1992	1993
			1987	1988	1989	1990	1991		
Afro-Americans:									
Male	21,453	24,840	25,318	23,137	24,794	17,634	11,949	12,247	
Female	5,191	5,290	6,120	5,785	6,905	5,033	3,757	3,247	
Hispanic:									
Male	3,703	4,758	5,258	5,005	5,874	4,806	4,172	4,405	
Female	400	516	622	607	827	683	599	839	
Other:									
Male	3,528	4,123	3,495	2,980	3,132	2,312	2,047	2,490	
Female	595	589	552	555	546	399	419	474	
Total:									
Male	28,684	33,721	34,071	31,122	33,800	24,752	18,168	19,142	
Female	8,186	6,395	7,294	6,947	8,278	6,115	4,775	4,560	

NAVY DATA ON THE IMPACT OF THE FEDERAL PAY RESTRAINT ACT OF 1993

	Earn less than \$30,000	Minorities			Total	Number with families	Number of single parents	Food stamps	Annual dollars loss with freeze
		Black	Hispanic	Other/un-known					
O-1 (less than 3 years of service)	7,857	476	304	62	842	2,554	61	(¹)	577
H-6 (less than 14 years of service)	54,400	12,204	3,211	676	16,091	46,692	4,053		623
H-5	96,570	19,030	6,195	481	25,706	65,711	3,991		532
H-4	99,067	20,962	8,324	148	29,434	44,596	2,661		451
H-3	55,891	15,526	6,090	86	22,502	10,629	1,178		399
H-2	41,769	6,839	3,820	33	10,692	7,445	251		377
H-1	39,241	5,730	3,555	4	9,289	5,556	119		340
Total	395,625	80,767	31,499	1,490	114,556	191,103	12,314		NA

¹ From a DOD paper on the Food Stamp Program . . . “For a family of four, the current gross annual income limit to be eligible for the Food Stamp Program under Department of Agriculture guidelines income limit to be eligible for the Food Stamp Program under Department of Agriculture guidelines \$16,510. In 1992, an E-2 with less than 2 years of service and a family size of four will receive \$16,530.85 in basic pay and allowances, and would therefore not qualify for food stamps. According to our recently completed estimates, approximately .94 percent of the active duty force, or about 19,740 members/households (qualify for food stamps). If all military members, living on- or off- base were treated equally by the USDA in counting the value of housing received (currently on-base housing is not included in the income calculation), the number of eligibles would decrease to 0.55 percent, or 11,532 households out of an active duty force of approximately 2.1 million.”

Note.—Total earning less than \$30,000 (395,625) is 75 percent of total force, 85 percent of enlisted.

NAVY DATA ON THE IMPACT OF THE FEDERAL PAY RESTRAINT ACT OF 1993

	Earn less than \$20,000	Minorities making below \$20,000				With families	Number of single parents	Food stamps	Annual dollar loss with freeze
		Black	Hispanic	Other/Unknown	Total				
H-4 less than 3 years if service	24,978	4,995	665	3	5,668	10,990	499	(1)	451
H-3	55,891	15,526	6,890	86	22,502	18,629	1,178		399
H-2	41,789	6,839	3,820	23	1,230	7,445	251		377
H-1	39,241	5,730	3,555	4	9,289	5,556	119		340
Total	161,899	33,090	14,930	116	38,689	42,670	2,047		

¹ From a DOD paper on the Food Stamp . . . "For a family of four, the current gross annual income limit to be eligible for the Food Stamp Program under Department of Agriculture guidelines is \$16,510. In 1992, an E-2 with less than 2 years of service and a family size of four will receive \$16,530.85 in basic pay and allowances, and would therefore not qualify for food stamps. According to our recently completed estimates, approximately 0.94 percent of the active duty force, or about 19,740 members/households (qualify for food stamps). If all military members, living on- or off-base were treated equally by the USDA in counting the value of housing received (currently on-base housing is not included in the income calculations), the number of eligibles would decrease to 0.55 percent, or 11,532 households out of an active duty force of approximately 2.1 million." Approximately 2,901 U.S. Navy Households.

Note.—Total earning less than \$20,000 (161,899)—31 percent of total force and 35.6 percent of enlisted force.

IMPACT ON MINORITY RECRUITING

	Total annual recruiting													
	Actual								Estimated					
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
Afro-Americans: Total (male and female)	12,430	14,953	16,658	18,110	19,220	14,837	11,183	10,282	7,277	6,640	7,399	7,917	7,919	7,812
Hispanic: Total (male and female)	6,042	7,251	7,904	7,630	8,297	7,466	7,400	7,060	5,458	4,980	5,549	5,938	5,939	5,859
Other—No statistics kept ¹														
Total minorities: Total (male and female)	18,471	22,204	24,562	25,720	27,517	22,303	18,583	17,342	12,735	11,620	12,948	13,855	13,848	13,671
Total accessions:														
Male	73,083	79,612	80,057	80,358	78,515	62,518	60,812	49,747	52,890	49,373	55,446	57,006	57,265	56,428
Female	9,757	8,871	7,736	9,873	10,864	7,974	6,427	8,226	7,752	5,963	6,212	7,007	6,765	6,710
Total all accessions	82,840	88,483	87,793	90,231	89,379	70,492	67,239	57,973	60,641	55,336	61,658	64,013	64,030	63,138

¹ Afro-Americans and Hispanics are the only minorities that are tracked separately in total accession numbers.

Note.—Numbers reflect Non-Prior Service male and female accessions. Minority female numbers are not tracked separately. Accession estimated are based on OSD accession data.

IMPACT ON MINORITY RETENTION

	Actual fiscal year								Estimated fiscal year					
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
INVOLUNTARY SEPARATIONS														
Afro-Americans:														
Male	6,087	7,752	7,322	9,830	7,705	9,459	9,434	9,137	(1)					
Female	689	998	817	1,268	1,034	1,313	1,583	1,374						
Hispanic:														
Male	2,013	2,550	2,496	3,276	2,774	3,710	4,158	3,933						
Female	147	249	240	296	321	446	612	518						
Other:														
Male	1,190	1,280	1,076	1,474	1,314	1,671	2,113	1,509						
Female	103	148	98	157	149	183	304	183						
Total:														
Male	9,162	11,396	10,680	14,362	11,587	14,563	15,372	14,271						
Female	912	1,376	1,124	1,688	1,477	1,196	2,466	2,048						
VOLUNTARY SEPARATIONS														
Afro-Americans:														
Male	1,637	1,837	1,673	1,883	1,623	1,712	1,931	3,005	(1)					
Female	262	408	319	369	360	439	463	567						
Hispanic:														
Male	613	757	714	770	719	768	894	1,412						
Female	89	137	128	163	145	130	203	266						
Other:														
Male	391	490	462	522	553	533	756	697						
Female	56	76	82	73	81	75	153	117						
Total:														
Male	2,641	3,084	2,849	3,175	2,895	3,013	3,581	5,114						
Female	407	621	529	605	581	644	819	950						

¹ The Navy does not have an established voluntary/involuntary separation goal. An estimated number could be derived based upon historical data as a percentage of annual separation vs. annual active population. However, in view of the downsizing initiatives programmed for the foreseeable future, even historical percentages would be skewed.

MARINE CORPS DATA ON THE IMPACT OF THE FEDERAL PAY RESTRAINT ACT OF 1993

	Earn less than \$20,000	Minorities making below \$20,000				With families	Single parents	Food stamps	Annual dollar loss with freeze ¹
		Black	Hispanic	Other	Total				
E-4 (Years of service less than 3)	310	55	24	10	89	169	20	(?)	451
E-3	53,485	8,718	4,695	1,918	15,331	16,028	104		399
E-2	19,029	2,798	1,589	734	5,121	2,462	3		377
E-1	10,754	1,760	942	479	3,181	982	8		340
Total	83,578	13,331	7,250	3,141	23,722	19,641	135		

¹ The annual dollar loss with a pay freeze in place should be uniform across the services.

² See Note 2 of Naval input. Marine Corps data on this variable is not tracked nor is it available.

Note.—The total earning less than \$20,000 is 83,578 or 44 percent of the total force, 50 percent of the enlisted force. The above data, with the exception of the last three columns, was taken from the Manpower Statistics for Manpower Managers (October 1992).

MARINE CORPS DATA ON THE IMPACT OF THE FEDERAL PAY RESTRAINT ACT OF 1993

Grade	Earn less than \$30,000	Minorities				Number with families	Number of single parents	Food stamp eligibility
		Black	Hispanic	Other	Total			
O-1	1,514	133	107	99	339	903	10	(1)
E-7	162	2,137	714	285	3,136	8,930	626	
E-6	15,524	3,865	1,031	401	5,297	13,672	1,042	
E-5	23,696	6,303	1,667	727	8,697	18,052	1,066	
E-4	30,605	5,500	2,424	1,054	8,978	14,886	757	

MARINE CORPS DATA ON THE IMPACT OF THE FEDERAL PAY RESTRAINT ACT OF 1993—Continued

Grade	Earn less than \$30,000	Minorities				Total	Number with families	Number of single parents	Food stamp eligibility
		Black	Hispanic	Other	Total				
E-3	51,276	8,718	4,695	1,918	15,331	13,627	707		
E-2	20,780	2,798	1,589	734	5,121	2,144	66		
E-1	11,571	1,760	942	479	3,181	957	59		
Total	155,128	31,214	13,169	5,697	50,080	73,171	4,333		

¹ From a DoD paper on the Food Stamp Program . . . "For a family of four, the current gross annual income limit to be eligible for the Food Stamp Program under Department of Agriculture guidelines \$16,510. In 1992, an E-2 with less than 2 years of service and a family size of four will receive \$16,530.85 in basic pay and allowances, and would therefore not qualify for food stamps. According to our recently completed estimates, approximately 94 percent of the active duty force, or about 19,740 members/households [qualify for food stamps]. If all military members, living on- or off-base were treated equally by the USDA in counting the value of housing received (currently on-base housing is not included in the income calculation), the number of eligibles would decrease to .55 percent, or 11,532 households out of an active duty force of approximately 2.1 million."

Note.—In formulating these numbers we determined the number with families include any dependent (parent, non-custodial child, etc.) The same applies to number of single parents—there is a financial impact regardless of whether the dependent (child) resides with the servicemember or not.

IMPACT ON MINORITY RECRUITING (OFFICER)

	Total annual recruiting													
	Actual fiscal year						Estimated fiscal year							
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
Afro-Americans									88	106	100	100	103	122
Male	112	97	88	106	111	85	74	92						
Female	3	1	5	9	9	5	6	2						
Hispanic									52	64	61	63	65	78
Male	41	67	43	73	72	50	64	65						
Female	1	0	2	1	1	3	5							
Other									32	39	37	38	39	46
Male	31	43	43	47	56	71	53	52						
Female	0	1	3	5	3	1	1	5						
Caucasian									1,018	1,191	1,082	1,049	1,043	1,204
Male	1,431	1,519	1,324	1,473	1,354	1,363	1,238	1,248						
Female	58	50	61	53	92	40	59	32						
Total:									1,125	1,335	1,215	1,185	1,185	1,385
Male	1,615	1,726	1,498	1,699	1,593	1,569	1,429	1,452	65	65	65	65	65	65
Female	62	52	71	68	105	49	71	43						

IMPACT ON MINORITY RECRUITING (ENLISTED) (ACTIVE DUTY PLUS RESERVES)

	Total annual recruiting—fiscal year								
	1985	1986	1987	1988	1989	1990	1991	1992	
Afro-American	8,328	7,690	7,665	7,780	7,008	7,070	5,064	4,598	
Male	7,785	7,135	7,238	7,209	6,393	6,580	4,700	4,300	
Female	543	555	427	571	615	490	364	298	
Hispanic	2,024	2,286	2,492	3,141	3,126	3,429	3,027	3,095	
Male	1,957	2,181	2,381	2,995	2,948	3,272	2,883	2,946	
Female	67	105	111	146	178	157	144	149	
Other	1,371	1,896	1,670	1,437	1,366	1,562	1,426	1,523	
Male	1,282	1,789	1,581	1,355	1,285	1,468	1,330	1,435	
Female	89	107	89	82	81	94	96	88	
Caucasian	31,493	31,636	30,430	31,418	29,161	28,923	26,875	27,821	
Male	29,724	29,981	29,065	29,911	27,740	27,747	25,706	26,636	
Female	1,769	1,655	1,365	1,507	1,421	1,176	1,169	1,185	
Total:	43,216	43,508	42,257	43,776	40,661	40,984	36,392	37,037	
Male	40,748	41,086	40,265	41,470	38,366	39,067	34,067	35,317	
Female	2,468	2,422	1,992	2,306	2,295	1,917	1,773	1,720	

ENLISTED ACTIVE DUTY PROJECTIONS ¹

NPS cessions	Fiscal year—				
	1993	1994	1995	1996	1997
	34,800	30,815	31,279	29,496	29,856
					31,739

¹ Enlisted recruiting is not projected by race.

	Fiscal year—							
	1985	1986	1987	1988	1989	1990	1991	1992
OFFICERS								
Involuntary:								
White:								
Female	14	16	12	9	13	10	20	25
Male	471	409	277	323	309	283	445	446
Black:								
Female	0	1	1	1	0	2	1	4
Male	47	27	24	31	21	37	33	43
Hispanic:								
Female	0	2	0	0	0	0	0	0
Male	5	9	8	11	6	9	12	21
Other:								
Female	0	2	0	0	1	1	1	1
Male	11	9	6	8	5	6	12	14
All:								
Female	14	21	13	10	14	13	22	30
Male	534	454	315	373	341	335	502	524
Voluntary:								
White:								
Female	29	35	32	44	28	41	156	69
Male	1,019	1,035	916	1,105	1,042	1,244	3,349	1,476
Black:								
Female	0	1	3	2	4	4	14	3
Male	39	40	50	51	34	62	143	66
Hispanic:								
Female	1	1	0	0	1	2	5	1
Male	13	14	16	19	19	25	61	43

	Fiscal year—							
	1985	1986	1987	1988	1989	1990	1991	1992
Other:								
Female	1	1	1	3	2	1	5	1
Male	11	12	13	18	12	35	69	25
All:								
Female	31	38	36	49	35	48	180	74
Male	1,082	1,101	995	1,193	1,107	1,366	3,622	1,610
ENLISTED								
Involuntary:								
White:								
Female	525	746	517	721	698	610	637	597
Male	8,361	12,949	8,857	10,941	8,907	8,896	8,048	9,679
Black:								
Female	130	179	152	167	210	180	189	194
Male	2,421	3,059	2,323	2,979	2,482	2,499	2,216	2,633
Hispanic:								
Female	11	31	24	38	38	37	45	45
Male	398	616	446	718	596	602	591	811
Other:								
Female	13	27	29	21	36	36	40	22
Male	244	419	334	389	298	339	333	412
All:								
Female	679	983	722	947	982	863	911	858
Male	11,424	17,043	11,960	15,027	12,283	12,336	11,188	13,535
Voluntary:								
White:								
Female	891	766	824	827	796	711	1,493	896
Male	16,713	12,375	15,438	15,050	13,435	11,742	35,605	18,356
Black:								
Female	200	155	237	267	249	226	505	358
Male	3,442	2,389	3,012	3,125	2,895	2,683	8,036	4,426
Hispanic:								
Female	42	32	35	35	53	73	137	106
Male	1,099	729	850	1,037	954	1,113	3,660	2,016
Other:								
Female	24	26	34	36	45	52	87	62
Male	501	466	457	543	532	595	1,981	820
All:								
Female	1,157	979	1,130	1,165	1,143	1,062	2,222	1,422
Male	21,755	15,959	19,757	19,755	17,816	16,133	49,282	25,618

AIR FORCE DATA ON THE IMPACT OF THE FEDERAL PAY RESTRAINT ACT OF 1993 (EARNINGS LESS THAN \$20,000)

	Earn less than \$20,000	Minorities				Number with families	Number of single parents	Food stamp eligibility	Annual dollar loss with freeze
		Black	Hispanic	Other	Total				
E-4 (less than 2 years of service)	172	31	6	6	43	56	3	0	436
E-3 (less than 4 years of service)	45,553	5,466	1,548	1,205	8,219	9,763	329	14	430
E-2	20,974	2,097	440	402	2,939	2,328	61	98	377
E-1	11,849	1,540	355	402	2,297	291	15	49	340
Total	78,548	9,134	2,349	2,015	13,498	12,438	408	161	NA

Note.—Total earning less than \$20,000 (78,548) is 18 percent of total force, 22 percent of enlisted force. Total minorities (13,498) is 3 percent of total force, 4 percent of enlisted force. Total with families (12,438) is 3 percent of total force, 4 percent of enlisted force. Food Stamp eligibles based on several assumptions due to unavailability of data on individual circumstances (for example, savings, other family income, et cetera), eligibles were assumed to have no spousal/part-time income and assume to receive all cash allowances versus government quarters and meals. The assumptions offset each other as those not receiving cash allowances (that is, government quarters/meals provided) increase eligibles as these in-kind benefits are not included in USDA food stamp eligibility calculations. However, the increase is offset by the large numbers not qualifying because of savings/other income. Annual dollar loss with the pay freeze shows typical pay raise that will be foregone if the current statutory 2.2 percent raise (for fiscal year 1994) in basic pay, BAQ, and BAS is eliminated.

AIR FORCE DATA ON THE IMPACT OF THE FEDERAL PAY RESTRAINT ACT OF 1993 (EARNINGS LESS THAN \$30,000)

	Earn less than \$30,000	Minorities				Number with families	Number of single parents	Food stamp eligibility	Annual dollar loss with freeze
		Black	Hispanic	Other	Total				
O-1 (less than 3 years of service)	5,767	230	57	249	536	1,130	35	1	577
E-6 (less than 14 years of service)	18,173	3,271	726	697	4,694	13,315	486	147	623
E-5	80,655	15,324	3,226	2,830	21,380	54,578	2,462	482	532
E-4	100,012	18,002	3,500	3,150	24,652	48,081	2,067	575	451
E-3	45,971	5,516	1,563	1,218	8,297	9,976	346	110	399
E-2	20,974	2,097	440	402	2,939	2,328	61	98	377
E-1	11,849	1,540	355	402	2,297	291	15	49	340
Total	283,401	45,980	9,867	8,948	64,795	129,699	5,472	1,462	NA

Note.—Total earning less than \$30,000 (283,401) is 64 percent of total force, 77 percent of enlisted force. Total minorities (64,795) is 15 percent of total force, 18 percent of enlisted force. Total with families (129,699) is 29 percent of total force, 36 percent of enlisted force. Food stamp eligibles based on several assumptions due to unavailability of data on individual circumstances (for example, savings, other family income, et cetera), eligibles were assumed to have no spousal/part-time income and assumed to receive all cash allowances versus Government quarters and meals. The assumptions offset each other as those not receiving cash allowances (that is, Government quarters/meals provided) increase eligibles as these in-kind benefits are not included in USDA food stamp eligibility calculations. However, the increase is offset by the large numbers not qualifying because of savings/other income. Annual dollar loss with the pay freeze shows typical pay raise that will be foregone if the current statutory 2.2-percent raise (for fiscal year 1994) in basic pay, BAQ, and BAS is eliminated.

	Fiscal year—			Fiscal year—			Fiscal year—	
	1991	1992		1991	1992		1991	1992
Voluntary:			Male	6	4	Male	25	1,059
White:			All:			Voluntary:		
Female	1	7	Female	2	10	White:		
Male	7	7	Male	172	181	Female		30
All:			ENLISTED			Male		509
Female	1	7	Involuntary:			Black:		
Male	7	7	White:			Female		11
Involuntary:			Female	0	25	Male		133
White:			Male	14	584	Hispanic:		
Female	1	7	Black:			Female		2
Male	154	159	Female	0	24	Male		48
Black:			Male	10	360	Other:		
Female	0	3	Hispanic: Male	1	87	Female		1
Male	9	12	Other:			Male		19
Hispanic: Male	3	6	Female	0	1	All:		
Other:			Male	0	28	Female		44
Female	1	0	All:			Male		709
			Female	0	50			

ENLISTED PLANNED SEPARATIONS
Planned involuntary separations
(Due to downsizing or otherwise qualified to reenlist but were denied)

Fiscal year:	
1993	1,470
1994	1,610
1995	1,610
1996	1,860
1997	1,860
1998	1,860

Planned voluntary separations
(Voluntary Separation Incentive/Special Separation Benefit Programs)

Fiscal year:	
1993	1,300
1994	600
1995	700
1996	(¹)
1997	(¹)
1998	(¹)

Total planned losses

Fiscal year:	
1993	39,349
1994	35,694
1995	34,768
1996	34,992
1997	34,943
1998	32,271

¹ Program canceled after fiscal year 1996.

Note: Losses are not projected by race.

OFFICER PLANNED SEPARATIONS
Planned involuntary separations
(Due to failure of selection to promotion (twice passed) and failure to augment)

Fiscal year:	
1993	335
1994	315
1995	315
1996	315
1997	315
1998	315

Planned voluntary separations
(Voluntary Separation Incentive/Special Separation Benefit Programs)

Fiscal year:	
1993	11
1994	265
1995	100
1996	(¹)
1997	(¹)
1998	(¹)

Total planned losses

Fiscal year:	
1993	2,090
1994	1,997
1995	1,969
1996	1,812
1997	1,868
1998	1,549

¹ Program canceled after fiscal year 1996.

Note: Losses are not projected by race.

TOTAL OFFICER AND ENLISTED ACCESSIONS: FISCAL YEAR 1985-92

	Male	Female	Total
Fiscal year 1985:			
Blacks	8,107	2,371	10,478
Caucasian	50,298	9,785	60,083
Hispanic	1,718	281	1,999
Other	1,398	268	1,666
Total	61,521	12,705	74,226
Fiscal year 1986:			
Blacks	8,084	2,484	10,568
Caucasian	46,580	10,126	56,706
Hispanic	1,592	259	1,851
Other	2,565	560	3,125
Total	58,821	13,429	72,250

TOTAL OFFICER AND ENLISTED ACCESSIONS: FISCAL YEAR 1985-92—Continued

	Male	Female	Total
Fiscal year 1987:			
Blacks	6,101	2,139	8,240
Caucasian	42,654	9,038	51,692
Hispanic	1,529	274	1,803
Other	1,554	384	1,938
Total	51,838	11,835	63,673
Fiscal year 1988:			
Blacks	4,239	1,601	5,840
Caucasian	32,305	7,580	39,885
Hispanic	1,042	217	1,259
Other	1,054	279	1,333
Total	38,650	9,677	48,317
Fiscal year 1989:			
Blacks	4,067	1,684	5,751
Caucasian	34,034	8,687	42,721
Hispanic	1,001	272	1,273
Other	1,224	387	1,611
Total	40,326	11,030	51,356
Fiscal year 1990:			
Blacks	3,346	1,414	4,760
Caucasian	28,071	6,767	34,838
Hispanic	773	233	1,006
Other	884	212	1,096
Total	33,074	8,626	41,700
Fiscal year 1991:			
Blacks	2,316	1,084	3,400
Caucasian	23,887	6,192	30,079
Hispanic	769	238	1,007
Other	713	228	941
Total	27,685	7,742	35,427
Fiscal year 1992:			
Blacks	2,954	1,204	4,158
Caucasian	26,666	6,968	33,634
Hispanic	894	244	1,138
Other	822	251	1,073
Total	31,336	8,667	40,003

MINORITY SEPARATIONS: FISCAL YEAR 1985-92

	Voluntary	Involuntary	Total
Fiscal year 1985:			
Black	3,443	3,974	7,417
Hispanic	1,640	703	2,343
Other	1,269	618	1,887
Total	39,738	20,997	60,735
Fiscal year 1986:			
Black	3,162	4,979	8,141
Hispanic	1,348	780	2,128
Other	1,056	805	1,861
Total	33,122	22,096	55,218
Fiscal year 1987:			
Black	2,981	3,293	6,274
Hispanic	1,110	586	1,796
Other	1,029	704	1,733
Total	30,438	19,381	49,819
Fiscal year 1988:			
Black	3,697	3,749	7,446
Hispanic	1,425	881	2,306
Other	1,645	879	2,524
Total	39,662	22,291	61,953
Fiscal year 1989:			
Black	2,707	2,286	4,993
Hispanic	1,012	406	1,418
Other	1,146	436	1,582
Total	27,356	12,706	40,062
Fiscal year 1990:			
Black	5,206	2,422	7,628
Hispanic	1,809	475	2,284
Other	2,108	495	2,603
Total	46,469	12,686	59,155
Fiscal year 1991:			
Black	3,864	1,633	5,497
Hispanic	1,287	326	1,613
Other	3,211	333	3,544
Total	33,838	9,615	43,453
Fiscal year 1992:			
Black	6,171	2,072	8,243
Hispanic	1,963	420	2,383
Other	3,724	462	4,186
Total	50,932	12,018	62,950

REPORTING REQUIREMENTS FOR EDUCATIONAL ORGANIZATIONS WHICH PROVIDE PROGRAMS TO MINORS FOR A FEE

Mr. DOLE. Mr. President, hardly a week goes by that I do not meet with

students who are in town on one education program or another. I am sure that you are familiar with such organizations as Presidential Classroom, the Close-up Foundation, or the Congressional Youth Leadership Council [CYLC]. In my view, these programs do a fantastic job of providing insight into the Washington process.

However, as many Members know from a letter that I distributed last November, I am concerned about questionable recruiting practices that some organizations have used, I was particularly troubled by the CYLC.

Since that letter was distributed, my staff, along with Senator METZENBAUM's staff, have participated in an extensive series of meetings with the CYLC. I should note that these meetings were initiated at the request of CYLC. And they were productive meetings. If we raised a question or concern, CYLC promised to fix it.

In short, CYLC resolved my concerns, and this was not without cost to the CYLC. They destroyed any stock which I found to be questionable, and have replaced them with new materials and new policies. For instance, they now specifically inform students how they were selected by sending a letter of explanation to the parents. Additionally, CYLC's board has authorized the development of a scholarship program to help low-income children and students with disabilities pay for the week. CYLC will also be setting up meetings with Senate offices to inform them of these reforms.

Some have raised concerns that the CYLC has conflicts of interest and has improper financial dealings. After reviewing the facts, I am satisfied that this is not true.

Mr. President, the measure which Senator METZENBAUM and I introduced yesterday is a consumer protection measure. It only seems right to me that we provide safeguards which provide student recruits with enough information to make an informed decision.

In short, this measure would require affected organizations to disclose how students were selected, provide a breakdown of program costs, and institute nondiscriminatory enrollment policies. The Secretary of Education would review any complaints, and would have authority to levy a fine of \$1,000 for each violation.

Additionally, the measure would require that these organizations which establish for-profit organizations and subcontract work out to them disclose the salaries of any employee which is officially connected with the primary nonprofit organization. For those who are familiar with nonprofits, you know that they will develop secondary for-profit groups to drive down the cost of services. This strategy is commonly referred to as hub architecture, and these secondary organizations must provide

services at the market rate or lower. This reporting provision ensures that these organizations are above the board and are not skimming profits.

No doubt about it, CYLC has used questionable recruiting practices. But that is in the past. As I stated earlier, they have participated in lengthy meetings to resolve their problems, and did so in good faith. They now understand that they have an outstanding program that can survive on merit alone.

I should note that CYLC supports this legislation. And they should, as it basically codifies the high standards that they have already agreed to.

Mr. President, it is not very often that my distinguished colleague, Senator METZENBAUM, and I will vote the same way, and even less often will we introduce legislation together.

However, this legislation, I think, is something we can all agree upon, primarily because we are trying to protect young people from being recruited and the parents being charged a big fee for some course in Washington that never exists or that rarely exists. We think it is an opportunity to protect young people who want to visit Washington and also protect their parents who generally pay for the trips.

**JUDGE HARRY FISHER: 1887-1993,
106 YEARS OF EXCELLENCE, A
SOUTHEAST KANSAS LEGEND**

Mr. DOLE. Mr. President, this Thursday, a Kansas giant will be laid to rest after a truly remarkable 106 years of life. My good friend, Judge Harry Fisher, passed away on Monday in his beloved Fort Scott, where for more than a century he inspired everyone who was fortunate enough to know him, to learn from him, and to watch him set the standard for conduct in public service.

Judge Fisher was tough, but he was always fair, and when he talked, you listened. Why not? After all, the State of Kansas was only 26 years old when the Judge was born on January 29, 1887. No doubt about it, he saw it all during his distinguished career as a county attorney, a State legislator, a teacher, a bankruptcy arbitrator, and later the judge for the Sixth Judicial District of Kansas.

Harry Fisher retired at the age of 73, but true to his career of excellence and dedication, he spent the next 33 years dispensing his special common sense and wisdom.

I was proud to call him friend, and whenever I was in southeast Kansas I was always glad to see him. Like most Kansans, he was fiercely independent, which is why he was so proud to tell his friends on his 100th birthday that he had just renewed his driver's license. That was Harry Fisher alright.

He was a one-of-a-kind Kansan, a legend—and you cannot replace a legend.

I send my prayers and sympathies to his family as I remember my friend, Judge Harry Fisher.

WICHITA: AN ALL-AMERICAN CITY

Mr. DOLE. Mr. President, we were all pleased, but not surprised, that the National Civic League picked Wichita as an All-American City Saturday in ceremonies in Tampa, FL. Mayor Elma Broadfoot and the many others in Wichita who prepared the city's presentation deserve an enormous amount of credit for their efforts.

Last year, Wyandotte County was one of 10 national All-America winners. Lindsborg, a finalist for this prestigious award last year, was again honored as a finalist this year.

I am pleased to have been supportive of at least one of the several programs Wichita used to demonstrate their excellence—Project Freedom. Two years ago, I became acquainted with and supported Project Freedom and its most admired substance abuse prevention programs that counsel and educate at-risk youth and mothers, as well as other volunteer programs that contribute to community improvement.

Of significance are the other programs that were singled out in Wichita—the Isley Summer Youth Academy and the Northeast Area Community Restoration Project. Two fine programs that should be singled out for recognition regardless of whether Wichita won this prestigious award or not.

Mr. President, all of Kansas is proud of Wichita as an All-America City winner. National recognition is quite an achievement, one which I salute the citizens of Wichita for this honor today. I know my colleague, Senator KASSEBAUM, joins in that statement.

TRAVELGATE

Mr. DOLE. Mr. President, every American should be deeply concerned when powerful figures in the executive branch try to strong-arm the FBI to further their own political agenda.

But that seems to be the case, as the news media continue to dig up more disturbing evidence that the White House has added abuse of power to the laundry list of alarming revelations in the unfolding Travelgate affair.

News reports suggest that the FBI's chief spokesman was summoned to the White House last Friday to meet with the White House communications staff, the White House legal counsel, and with David Watkins, head of the White House Office of Management and one of the key figures in the eye of the Travelgate storm.

After the meeting, the FBI spokesman reportedly returned to his office to draft a highly unusual statement indicating there was "sufficient information for the FBI to determine that ad-

ditional criminal investigation is warranted" into the practices of the White House travel office.

The White House communications staff subsequently released the statement, without the FBI's approval and without even the FBI's knowledge. The statement appeared on Justice Department stationery.

If this is true, Travelgate is no longer a perception problem, it is an outright scandal.

Mr. President, I have enormous respect for the FBI and its employees. In fact, several years ago, I authored legislation increasing the rate of overtime pay for FBI agents out in the field.

So, it concerns me when a few loose cannons in the White House try to exploit the FBI to further their own unseemly political agenda.

I agree with Attorney General Reno when she reportedly raised concerns yesterday that the White House had ignored existing policies designed to prevent politics from interfering with the FBI's work.

And I agree with a high-ranking FBI official who is quoted in the Washington Times today as saying, and I quote:

The FBI cannot be identified as a friend or a foe of any administration. It has to be perceived as neutral in all cases. On its surface, this unusual announcement served no purpose other than to legitimize a political decision.

Mr. President, later today, I intend to send a letter to the chairman of the Senate Judiciary Committee, my distinguished colleague Senator BIDEN, and to the committee's ranking member, Senator HATCH, asking them to conduct a full committee hearing to get to the bottom of this latest flap in the Travelgate affair.

The American people want some answers to the charges of political cronyism. And they deserve some explanation for this highly unusual, and very disturbing, abuse of power.

Mr. President, I do not know the guilt or innocence of anybody who was fired, but they do have families and I think they are entitled to some notice before the FBI is called in and they are, in front of all the American people, at least perceived to be guilty of some criminal activity. We do not know if anybody was, or if one was, or two out of the seven, whatever.

I know that this is all done in the effort to save the taxpayers money and to make it cheaper for the press to travel, even though an earlier memo indicated the ones who were fired were "too pro press."

Since they were concerned about competitive bidding, I think they say there was an audit, which really was not an audit, by Peat Marwick. I wonder if that was subject to competitive bidding.

Did they ask other accounting firms to bid on this hurried-up audit. Was it an audit? Was it performed by someone

who was working on Vice President GORE's staff on efficiency in Government?

I think all these questions need to be answered. Was their competitive bidding from a number of accounting firms? That seems to be the bottom line at the White House. They wanted everything to be competitive. So I think that is a question that ought to be raised.

But beyond that, I think it is truly disturbing that the FBI should be used in this manner by anybody—by anybody. It takes you back to Watergate, and as a Republican I can tell you of some of the repercussions of that and of that practice.

I know that the Democrats control the White House, and they control the Congress. But I am hoping in this case we can have a fair and a complete investigation so that we can exonerate the FBI. After all, they have a highly responsible agenda in this country, and we want to make certain that they were not involved in this in any way. Sooner or later, I think, Mr. President, someone at the White House is going to have to explain precisely what happened and why it happened and not just keep saying, well, this is not going to happen again; we are not going to do this next week.

What will they do next week? That is another question the American people would like to have answered.

Mr. President, I reserve the remainder of my leader's time.

HEALING FOR VICTIMS OF TORTURE

Mr. DURENBERGER. Mr. President, I rise to address a growing human rights concern—the treatment of victims of torture.

Torture is one of the most effective, long-term weapons against democracy. Repressive governments frequently target those groups and individuals who are struggling on behalf of human rights and democratic principles. Torture is intended to destroy the personality of civic leaders and instill fear in the whole of society.

Providing rehabilitative services to those who have been tortured invests in recovering the leadership of an emerging democracy. It provides healing to the victims and allows them to reclaim their lives and resume their roles in promoting a pluralist society that respects human rights.

The rehabilitation movement has grown from a single center in 1979 to more than 60 programs around the world. These exist not only in countries of exile, but also in many countries whose governments are or were until recently engaged in torture. Many are tolerated by their governments. The United Nations Voluntary Fund for Victims of Torture provides assistance to centers, but it operates

with a minimal budget. Some governments—such as those of Denmark and Sweden—provide bilateral assistance to treatment programs in other countries.

During the confirmation hearings for John Shattuck as Assistant Secretary of State for Human Rights and Humanitarian Affairs, I submitted several questions to Mr. Shattuck concerning the treatment of torture victims and the U.N. Voluntary Fund for Victims of Torture. I ask unanimous consent to insert these questions and Mr. Shattuck's responses in the RECORD immediately following my remarks.

I also ask unanimous consent that the text of an article by Washington Post columnist Coleman McCarthy printed in the Minneapolis Star Tribune be included in the RECORD. This article addresses the work done by centers that treat torture victims, specifically the program at the Center for Victims of Torture in Minneapolis.

The Center for Victims of Torture is the country's first center designed specifically to treat victims of torture. I am very grateful to Doug Johnson, executive director of the Center, and the entire staff for the leadership they continue to provide on this issue.

Mr. President, in this post-cold war world, the United States has the opportunity to jointly promote democracy and protect human rights by supporting the movement to heal the victims of torture. I urge my colleagues to seriously consider how we as a nation can contribute to this important human rights issue.

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

QUESTION FOR THE RECORD SUBMITTED TO JOHN SHATTUCK, SENATE FOREIGN RELATIONS COMMITTEE, MAY 7, 1993

Q1. What is your assessment of the work of the United Nations Voluntary Fund for Victims of Torture?

A. I consider torture to be one of the most egregious abuses of human rights and support fully any efforts to care for torture victims.

I am impressed with the work of the UN Voluntary Fund for Victims of Torture and look forward, if confirmed, to giving maximum US support for its activities. I especially would welcome the opportunity to become more familiar with the work of the Center for Victims of Torture in Minneapolis.

Q2. In your view, how does the Fund relate to the administration's objectives of promoting human rights and democratic institutions?

A. As you know, promoting human rights and democracy is a major objective of US foreign policy in the Clinton administration.

If confirmed as Assistant Secretary of the Bureau of Human Rights and Humanitarian Affairs, my overriding goal will be to alleviate the suffering of people around the world who are abused by their governments.

I believe we can do this by monitoring violations of human rights, reporting on them, working with governments to eliminate these violations, and assisting victims who have been abused.

I view the UN Voluntary Fund for Victims of Torture as an excellent example of how the US administration can work through multilateral institutions as well as on a bilateral basis to address human rights concerns.

Q3. What will the administration do to encourage other governments to increase their contributions to the Voluntary Fund?

A. I have been impressed by the need for greater resources in all of the UN's human rights programs. One of the administration's major objectives at the World Conference on Human Rights in Vienna in June will be to strengthen the Human Rights Center and to urge that it have adequate resources to carry out its responsibilities.

With regard specifically to the Voluntary Fund for Victims of Torture, I would recommend that the administration continue to contribute to the Fund as it has for FY-93 (\$500,000). I would hope that the US example might encourage other governments to make their own contributions to the Fund.

Q4. The United Nations Commission on Human Rights at its recent meetings recommended a pledging session for the Fund at the World Conference on Human Rights. What steps will the Department take to make such a session successful?

A. I would recommend, if confirmed, that the Department set an example at the Conference by reaffirming its own strong financial support for the Fund and encouraging other governments to make similar contributions.

Q5. There are estimates of tens of thousands of Moslem women and girls in Bosnia having been raped, and who now suffer from post traumatic stress disorders. Does AID plan to provide assistance to these rape victims? If so, what kind of assistance, when, and in what manner will it be provided?

A. As announced last month, the U.S. government will provide \$6.75 million to assist victims of violence, rape, and torture in the former Yugoslavia. Of this amount, AID will provide over \$5 million for projects that include providing counseling, support, and services to the victims of rape and violence; training and upgrading the skills of rape and violence; training and upgrading the skills of medical professionals and community workers who are treating these victims; establishing three hospital partnerships to link U.S. hospitals and providers with treatment centers in the area; and providing emergency medical supplies through Project Hope.

Q6. There have been numerous suggestions that AID support bilateral programs providing treatment to torture victims because it would enable the United States to direct efforts at particular countries where we are especially interested in promoting human rights and democratic institutions. What is your perspective on such suggestions? Do you believe the United States should pursue bilateral programs of this kind?

A. You may be aware that grants have already been made under Section 116(e) of the Foreign Assistance Act to programs in Ghana and Chad which provide services to victims of torture.

If confirmed, I would continue to support such programs in addition to the multilateral efforts undertaken by the UN Voluntary Fund for Victims of Torture.

[From the Minneapolis Star Tribune, May 15, 1993]

HEALING THE WOUNDS OF TORTURE FOR ONLY A FEW OF MANY VICTIMS (By Colman McCarthy)

In the spacious living room of a bulky three-story house on a bluff above the Mis-

Mississippi River, an Ethiopian man and woman sat across from each other on sofas.

They spoke but not much. I would have interviewed them except here at the Center for Victims of Torture in Minneapolis a house rule holds that the patients are to be left alone by the media.

This right to anonymity is sensible and necessary.

The reasons include confidentiality, personal security and protection from newspeople who might aggress with our customary in-your-face prying. How did you feel when the secret police applied electric shocks to your genitals, or what kind of nightmares did you have during your two years in a dungeon and are you still having them?

Answers to those questions aren't needed to learn that the center is a sanctuary of peace and mending for survivors of politically motivated torture.

Since May 1987, more than 400 torture victims from 32 countries have been served as outpatients by a staff that includes physicians, nurses, psychiatrists and social workers.

A third of the patients are Ethiopians. Minnesota is home to 2,000 Ethiopian refugees, with an estimated 80 percent having been tortured by one of Africa's most brutal regimes.

Amnesty International reports that in the 1980s, the torture methods used against Ethiopians "included beating on the soles of the feet, with the victims tied to an inverted chair or hung upside down by the knees and wrists from a horizontal pole; electric shocks; sexual torture, including rape of women prisoners or tying a heavy weight to the testicles; burning parts of the body with hot water or oil; and crushing the hands or feet."

Helping survivors come back physically and emotionally from that trauma is the work of Douglas Johnson, director of the center and a past winner of the Letelier-Moffitt human rights award.

"Torture is widespread," Johnson said while standing before a Hmong tapestry in the foyer of the center. "We think there are at least 200,000 survivors in the United States. People who are torture victims were usually leaders of their community. The government had decided to disable them as part of a political strategy."

The full-treatment center, which is non-profit and given \$1-a-year rent by the University of Minnesota on its East Bank campus, is the only one of its kind in the United States. Other sites include Copenhagen, London and Toronto.

The idea for the program originated in 1985 with former Gov. Rudy Perpich, a liberal Democrat who conjectured—rightly, it turned out—that in politically progressive Minnesota volunteers would rally behind the center.

Many have. More than 100 volunteers, in addition to the professional staff of 25, are part of the program.

Until lately, ministering to torture victims has been a side interest, if that, among human rights groups.

Their missions have ranged from exposing governments that torture to rounding up the oppressors for prosecution.

While that's been going on, professionals dealing with tortured refugees and asylum-seekers suffering post-traumatic stress disorders have been largely on their own.

The comparative neglect of the treatment side of the human rights movement shows up in the international lack of financial support.

In 1981, the United Nations created the Voluntary Fund for Victims of Torture.

A decade later, few governments were showing interest.

In 1992, the fund dispensed only \$1.6 million, which was half the amount requested from centers around the world.

The United States, which sells arms to large numbers of torturing governments—Saudi Arabia, Israel, Turkey, Guatemala, Indonesia, among others—kicked in \$100,000 a year, and some years nothing.

The assessment of Douglas Johnson is accurate: "Relative to the size of our economy and our population, the U.S. contribution appears callous."

A dozen centers like this one in Minneapolis could be operating and still not be meeting the need.

Officials from the center testified before the Senate Subcommittee on Foreign Operations last year and proposed that Congress should appropriate money for rehabilitation programs for people tortured by governments receiving U.S. foreign aid.

A sum of \$20 million was suggested, a small figure considering the huge amount of torturing going on every day nearly everywhere.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

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

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

The fiscal irresponsibility of Congress has created a Federal debt which stood at \$4,287,849,937,583.96 as of the close of business on Friday, May 21. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is \$16,693.40.

COMMENDING THE RULES COMMITTEE

Mr. STEVENS. Mr. President, I want to thank Chairman FORD for his leadership and fairness during the deliberations of the Committee on Rules and Administration on the petitions regarding the 1992 Senate election in Oregon.

The unanimous vote in favor of the motion at the meeting of May 20, 1993, demonstrates our committee members approval of the manner in which the chairman conducted these proceedings.

I also commend my colleagues on the committee for their professional and bipartisan participation. Our committee members spent a great deal of time reviewing the petitions, listening to oral arguments, and deliberating on

messages received by the committee and the Senate and our responsibilities under article 1 section 5 of the Constitution.

As the allegations were directed at a member of my party, I believed it was my duty to offer the motion to resolve this matter in the committee. Senator FORD has articulated the process our committee has followed. I agree with his statement and shall not repeat it.

Mr. BYRD. Is there further morning business, Mr. President?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 3, which the clerk will report.

The legislative clerk read as follows: A bill (S. 3) entitled "Congressional Spending Limit and Election Reform Act of 1993."

The Senate proceeded to consider the bill.

Pending:

(1) Mitchell/Ford/Boren amendment No. 366, in the nature of a substitute.

(2) Wellstone amendment No. 367 (to amendment No. 366), to strengthen the restrictions on contributions by lobbyists.

(3) Wellstone amendment No. 368 (to amendment No. 367), in the nature of a substitute.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BOREN. Mr. President, we are, of course, resuming debate today and discussion and hopefully moving toward final passage of the Campaign Finance Reform Act.

This act, as we discussed last week, is of great importance to the future of this institution. With a large majority of the American people expressing a lack of confidence in this institution and, when asked, answering that they do not believe that this institution represents people like them but instead that it represents the special interests, we obviously have a strong responsibility to take actions that will restore the faith and the confidence of the American people in this institution.

As we grapple with the difficult decisions that we must face in the days ahead—decisions on the budget, deci-

sions on health care, decisions on education, decisions on the welfare system of this country—we will be making choices that will affect the future of this country for years to come. If we make the wrong decisions, we could well allow the economic and social and cultural slide of this country to continue at such a pace that it would be difficult, it not impossible, for us to ever regain the ground that has been lost. We could pass, for the first time in the history of our country, a diminished heritage on to the next generation.

And as we grapple with these very difficult problems, it is extremely important that the people of this country have confidence that this institution does represent people like them; that it is the product of an open and honest election process.

Unfortunately, right now, there is the image and impression that Congress is really on the auction block. In well over 90 percent of the cases, the candidate who raises the most money in an election campaign wins that election.

As we saw last week, incumbents have an enormous advantage in fundraising. In the Senate, those in office were able to outraise their challengers by a ratio of 3 to 1, and in the House they were able to outraise challengers by a ratio of 5 to 1.

The political action committees were giving more than \$6 to those that are already in Congress for every \$1 that they give to challengers, with the average winning race in the U.S. Senate costing over \$4 million to run.

So, Mr. President, when people see more and more money poured into the political process and they see more and more of that money coming not from people back home like them but from the special interest groups, they begin to feel that this institution does not represent people like them. And it is understandable why they feel that way.

As we were discussing when we were last debating this issue, think of the position that a Member of Congress is in when he or she is thinking about how to raise that \$10,000 or \$15,000 or \$20,000 or \$30,000 that week—\$4 million translates to well over \$15,000 a week for 6 years—and in order to raise that amount of money to run for reelection, in that 5 minutes to spare, there are 10 people that want to see that Member of Congress for that 5 minutes—there is a young student in the front office, full of idealism about the future of the country; there is a factory worker; there is a farmer; there is a teacher, and there is a PAC manager who could deliver a check for \$5,000 in each cycle, \$10,000 now and hold a fund-raiser for maybe \$300,000 in one night—human nature being what it is, and the candidate desperate to raise the money, which person will that candidate or that Member of Congress see?

And so it should be no surprise to us to say that the people then get the feeling that we represent not them but the special interests who can pour more and more money into campaigns and really distort the political process. And that is not why we came here.

And what is happening does not make anyone feel good about it; not the Member who came here to make a difference for the country, who wants to represent the rank and file citizens, young and old, men and women, from their home States. They do not feel good about it when they have to see the PAC manager instead of the student or the teacher or the factory worker or the farmer.

The person making the contribution does not feel very good about it, because lobbyists realize that one group is being played off against the other and they have to rush, on any given evening, to one fundraiser or another in order to pour out the money to buy the access to open the door to get to see people who have a vote to affect their interests.

And people back home do not feel good about it either.

And new people who want to break into politics, when they realize they can be outspent 3 or 4 or 5 of 6 to 1 because of the special interest money pouring in from out of State into the campaigns of their potential incumbent opponents, decide not to get into politics at all.

The courts talk about a chilling effect of free speech, participation in the political process. If there is anything that causes a chilling effect on the political process in this country, it is pouring more and more money into the system.

The Senator from Minnesota has proposed an amendment that would strengthen one of those provisions that the President has advocated adding to this bill. I commend the President for wanting to have an even stronger bill than we had last year. I have had numerous discussions with him about this legislation. He understands its importance.

He has listed it as one of those items high on his own list of priorities. And one of the things that he said as we were discussing it is that it is not enough to try to limit special-interest money; we must change the political climate. And in order to do that, we should not have those who are registered lobbyists, who are here being paid to come and try to convince us to vote one way or another on a particular bill or an amendment, in a position where they can have campaign contributions exacted from them as they are coming in to speak to Members. It does not help the lobbyist. It does not help the Member. And the perception of the public is that contribution is being given by a lobbyist in return for a favor by the Member.

So the President asked we put that strengthening provision in the bill. It is in there. It is my understanding that the Senator from Minnesota wants to make sure it is strengthened, that it is not only a matter of those who have lobbied a Member within the past year or intend to lobby a Member within the following 12 months after making a contribution should be barred, but we want to make sure, also, we do not have a loophole in this provision so that we can go around the provision and say, well, they did not lobby the Member, they lobbied a member of the staff of the Member instead.

We all realize very often it is the staff who gets briefed instead of the Member. And, again, the staff of the Member would be, in the eyes of the public, in the position of the holder of the office, the Member of the House or Senate. It is also my understanding that the way the language was drafted we did not cover new Members who were coming in, and so they would be in a position of having contributions given to them even though they may have, again, had contacts with the lobbyists.

So, as I understand the amendment of the Senator from Minnesota, it is an attempt to take the very same spirit of the provision we put in the bill at the urging of the President, I think the correct urging of the President, and to make that provision stronger and to make sure it will really work.

Mr. President, I simply say to my colleague from Minnesota I am very much in sympathy with this amendment. I am in sympathy with the spirit of it. I have just now had a chance to begin to study it, as I was away because of a family obligation yesterday. And there may be a few elements of it I think we need to tighten the drafting of very carefully to make sure it hits the targets that are intended. I would like an opportunity to do that.

I am going to yield the floor in just a moment so my colleague from Minnesota may respond, but I express my hope to him he would be willing for us to sit down—I do not think it would take us long at all—to see if we can just take a careful second look at the actual language of the amendment and see if it might be possible to accept the amendment.

I do not know the view of my colleague on the other side of the aisle about this amendment. He has now come on the floor. Certainly, we also want him to be engaged in this discussion to see if it is possible we can work out this amendment in a way it would be acceptable to the managers on both sides.

Mr. President, I see the distinguished minority manager on the floor and also the Senator from Minnesota, so I yield the floor so both of them might comment on what I have just said.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. MCCONNELL. I did not hear the beginning of the observations of my friend from Oklahoma, but we have asked Senator LEVIN and Senator COHEN to take a look at this amendment to get their reaction, since they were in charge of the lobbying bill that recently passed the Senate. I think it is extremely important for our colleagues to get their reaction to this amendment before we move to a vote.

I have a statement to make this morning. There is at least one other Senator on this side who would like to make an opening statement. We are still taking a look at the Wellstone amendment. I would like to have the reaction of the two Senators I mentioned. I think it would be very helpful to all of our colleagues before we voted on the amendment.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. The Senator from Oklahoma does correctly characterize the amendment. We are trying to plug a few loopholes here. If we are going to have a prohibition on, let us say, a lobbyist going in to see a Senator, then we want to say that for a year that lobbyist ought not to be making a contribution; or the other way around, if the lobbyist made a contribution, there ought to be a year's time the lobbyist ought not to be back in the office. We did want to apply that to staff as well. That is one change we wanted to make that is in this amendment.

The second change, I say to both Senators, is we also want to make sure, in the case of new Members—the Senator talked about that—say a lobbyist has made a contribution to someone, a challenger, someone who has run an open race, now in the Senate, that, again, you would cover that and for a year that lobbyist would not be in there.

The other part of this, which I understand would probably be the language that we would need to work out together if, in fact, there can be agreement—if not, we can take it to a vote—has to do with a lobbyist's clients, or PAC's. In other words, it seems to me the other part of it is the lobbyist would not necessarily make a contribution within a year's period of time but a lobbyist could instruct a client to make that contribution, or a PAC to make that contribution. We would really like to see that included.

I understand what the Senator from Kentucky has said. It makes good sense for other people to look at it.

I wonder whether or not I could temporarily, then, lay this amendment aside, if that is what my colleagues want me to do. I am ready to go with

an amendment, and I would like to propose another amendment if we want to move along.

Mr. MCCONNELL. I might say to my friend, I have a statement to make this morning that I could make even though his amendment is the pending business. We have been in discussion with Senator COHEN and Senator LEVIN and hope to get some reaction from them shortly. I do not think the process is being slowed by not voting on the amendment at this particular time.

Mr. WELLSTONE. What the Senator from Kentucky is suggesting is he thinks in the time that other opening statements are going to be made we could be involved in some negotiation over this amendment?

Mr. MCCONNELL. This is my hope. I am concerned about the issues my colleague raised. I raised those precise issues in the hearing last week on the Clinton finance proposal, as was pointed out, in the Finance Committee. I think the Senator raised some important points.

Mr. BOREN. Listening to my colleagues—and I do recall the Senator from Kentucky mentioning these points, and I think the Senator from Minnesota has raised them in a very valuable way in this amendment. As I indicated in the Rules Committee, I was also very willing—and I am certain the President would be willing, because, as I say, this is a matter of great concern to him and this is completely in keeping with his objectives and goals—to make sure that the language reflects the goals that we have in mind.

I see the Senator from Iowa is on the floor, who, I believe, wishes to speak on another matter for a period of time. The Senator from Kentucky wishes to make additional opening remarks. We might ask unanimous consent to temporarily set this matter, the amendment, aside, to allow the Senator from Iowa and the Senator from Kentucky to make their remarks—the Senator from Iowa on another subject—and then return to this subject. It would require, I am told, since the Senator from Minnesota has an amendment in both the first and second degree, setting them both aside.

Mr. WELLSTONE. That is correct.

Mr. BOREN. It is obviously the same subject matter. Then we would return to it at the conclusion of the remarks of the Senator from Iowa and the Senator from Kentucky. The Senator from Kentucky mentioned there might be another colleague on that side of the aisle who might have some opening remarks?

Mr. MCCONNELL. Yes. I say to my friend from Oklahoma I believe there is at least one Senator on this side who would like to make some opening remarks on the bill.

Mr. BOREN. Mr. President, I ask unanimous consent to have this amendment temporarily set aside, both

amendments, the amendments in the first and second degree by the Senator from Minnesota, to allow the Senator from Iowa to make a statement on another subject, and then that the Senator from Kentucky complete his remarks and, if there is an additional colleague on his side of the aisle to which the Senator from Kentucky would yield, that that be allowed, and then that the Senate return to these two amendments in the first and second degree as the pending business.

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

The Senator from Iowa.

Mr. HARKIN. Mr. President, first of all, I want to thank the distinguished Senator from Oklahoma for his actions just taken in permitting me a few minutes to speak here.

Mr. President, I ask unanimous consent I be allowed to speak as in morning business for about 5 minutes.

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

NUCLEAR TESTING MORATORIUM

Mr. HARKIN. Mr. President, I would like to call your attention to a report in today's New York Times entitled "Play Taps for Nuclear Tests." The editorial is right on the mark.

It refers to a letter I circulated, signed by 23 Senators. Although I must correct one error made by the Times. They claim the letter was signed by 23 Democratic Senators. This is not the case. One of our colleagues from the other side of the aisle, the Senator from Vermont [Mr. JEFFORDS] also signed the letter. So there are 22 Democrats and 1 Republican who signed the letter. I hate to correct the New York Times, but once in a while we have to do that.

Let me sum up the situation that prompted this letter: Last year, Congress instructed the President not to resume testing until July 1, 1993, and then only after he submitted plans for negotiating a comprehensive test ban by 1996. But the bomb builders want to conduct 15 more tests between now and 1996. They also want to negotiate a treaty that permits 1-kiloton or less underground testing forever.

Mr. President, that is not what Congress means by "comprehensive test ban."

Our letter urges the President to take two actions:

First, we ask him to renounce the proposal by members of the nuclear weapons establishment to continue testing after 1996 at levels below 1 kiloton.

Second, our letter challenges the President to take the high moral high ground to stop international nuclear proliferation, by declaring that the United States will not be the first to resume nuclear testing.

With regard to continued testing after 1996, this clearly violates the law.

Public Law 102-377, the Energy and Water appropriations bill passed last year bans all nuclear tests after 1996, provided that no other nation explodes nuclear weapons after that date.

Period. There is no exception in the law for low level nuclear tests at any level. Let me read the law:

No underground test of nuclear weapons may be conducted by the United States after September 30, 1996, unless Russia or another country has conducted a nuclear explosive test after this date and such test is inimical to the security interests of the United States as certified by the President in written explanation to the Congress. * * *

It doesn't say no nuclear tests except for those below 1 kiloton. There are no exceptions.

The proposal by the Department of Energy weapons labs to continue testing below 1 kiloton is clearly in violation of the law passed by the Congress last year.

I am encouraged by signs that the White House is currently planning to block this insidious proposal to continue the nuclear arms race.

The second part of our recommendation to the President goes beyond the letter of the law. We have asked him to take the moral high ground, to go the extra mile, to become a leader on the international scene for nuclear non-proliferation.

We have asked him to declare that the United States will not be the first to resume nuclear testing.

This would send a powerful message to the other nations of the world: The United States has changed. It is not business-as-usual. The United States will stop all nuclear testing, even though the law permits 15 more tests for safety and reliability.

If the United States tests, then pressure will surely mount on Boris Yeltsin to resume testing. Can you imagine the ammunition we would provide to the Russian military hardliners if we start testing and they do not?

The same for France. Could France continue its current testing moratorium if we tested?

And what of the rest of the world? Would the nuclear have-nots be encouraged to continue the Nonproliferation Treaty if we resume testing?

It makes no sense to proceed with the 15 allowed tests. The weapons labs claim that they can improve the safety of our nuclear weapons, if only we let them explode more nuclear weapons.

But the Air Force and the Navy have already stated that they do not need and will not use added safety features. Indeed, the Air Force has already taken the biggest step to improved safety by removing nuclear weapons from their bombers. Almost all accidents during the early years of the nuclear age involved bombs falling from bombers or nuclear bombs involved in bomber crashes. Removing nuclear bombs from airplanes was the best advance in safety, and it did not take any explosions to achieve.

Here is what Robert B. Barker, the former Assistant Secretary of Defense for Atomic Energy testified on March 27, 1992, regarding the use of newly developed safety features:

The Air Force and Navy, in cooperation with the Office of Secretary of Defense and the Energy Department, evaluated the safety of all ballistic missiles that carry nuclear warheads. It was determined that there is not now sufficient evidence to warrant our changing either warheads or propellants.

Let me repeat that, Mr. President: "It was determined that there is not now sufficient evidence to warrant our changing either warheads or propellants."

In other words, the military will not use the results of the 15 planned safety tests.

So why should we risk resumption of the nuclear testing, knowing that it would surely encourage other nuclear powers to resume testing, when we do not need to test?

Again, Mr. President, I applaud the lead editorial in today's New York Times. I ask unanimous consent that it be printed in the RECORD, following my remarks, along with the letter we sent to the President, encouraging him to continue the nuclear testing moratorium.

Mr. President, I further ask unanimous consent to also print in the RECORD an editorial from the Washington Post dated May 19, and in it a quote from Secretary of Defense Les Aspin. I read this quote from the Washington Post editorial:

Les Aspin, speaking a few months before he became Defense Secretary, said: "International cooperation is at the core of non-proliferation efforts, and that cooperation is going to be difficult if the United States continues insisting on nuclear testing."

He got it just right.

I ask unanimous consent to print those in the RECORD after my remarks.

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

(See exhibits 1 and 2.)

Mr. HARKIN. Mr. President, I can think of no better way to celebrate the 30th anniversary of President John Kennedy's Limited Test Ban Treaty of 1963 than by completing his work once and for all by ending all nuclear testing. Sometimes we do not remember how things evolved in the past.

On June 10, 1963, in a speech at American University, President John Kennedy took the courageous step of announcing that the United States would unilaterally halt all atmospheric testing of nuclear weapons. Again, put yourself in that time span: 1963, the height of the cold war, the belligerence of the Soviet Union. President Kennedy had the guts to step forward and say, "We are going to unilaterally halt all atmospheric tests, and we ask the Soviet Union to join with us in an agreement to halt all atmospheric tests." June 10, 1963, 30 years ago.

That led, of course, to the Limited Test Ban Treaty signed on August 6 of

1963, just a couple of months after his speech.

So, again, Mr. President, I can think of no better way to celebrate this 30th anniversary than for the President of the United States, on June 10 of this year, 30 years after President Kennedy announced that the United States would unilaterally halt all of our atmospheric testing in order to bring the other players to the table, to halt all atmospheric testing around the globe. I can think of no better way to mark that anniversary than for this President to announce that the United States will halt all underground nuclear testing, and we will not resume those nuclear tests and that we ask all the other nations of the world to join with us in finally signing a comprehensive test ban treaty to end all nuclear testing once and for all, forever.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

EXHIBIT 1

[From the New York Times, May 25, 1993]

PLAY TAPS FOR NUCLEAR TESTS

The nuclear arms race has run its course, but the nuclear laboratories and the Pentagon don't seem to know it. They want to resume testing this year. Test blasts may have made sense when it was important to deter a Soviet attack. But in today's changed climate they would set a terrible example for would be proliferators.

A group of 23 Democratic senators recognize this dangerous anachronism. They've urged President Clinton to announce that the U.S. will not be the first to break the current moratorium on tests that is now being observed as well by Russia and France. Resumption would discourage negotiation of a truly comprehensive ban on nuclear tests to replace the moratorium.

Last year Congress instructed the President not to resume testing until July 1, and then only after he submitted plans for negotiating a comprehensive test ban by 1996. The bomb-builders want to conduct 15 more tests between now and 1996. They would also trifle with the law by negotiating a treaty that would permit one-kiloton underground testing forever. That's not what Congress meant by a comprehensive test ban.

Those who want to resume testing say they'll oppose ratification of a comprehensive test ban. But what exactly would 15 more tests accomplish? The labs say the tests are needed to make nuclear warheads reliable and safe. But the U.S. has other ways to assure that its warheads work, including computer simulations. And why test now, supposedly safer warheads that the Navy and Air Force say they have no intention of acquiring?

Rattling windows in Nevada to warn the world that Washington still has the Bomb seems particularly perverse when the U.S. is trying to persuade nuclear have-nots to stay out of the bomb-making business. True, banning tests won't guarantee that proliferation can be prevented. States like Pakistan have developed nuclear arms without testing them. But a test ban will help stigmatize the Bomb.

It will also help muster international support for strengthening the Nuclear Non-proliferation Treaty when it comes up for extension in 1995. Nuclear have-nots like Mexico say they'll oppose a long-term extension

of the treaty and won't tighten trade in components and materials unless nuclear nations stops testing.

The 23 senators have the right idea; a no-first-test declaration by President Clinton, will prolong the moratorium on testing by others and clear the air for speedy negotiation of a comprehensive test ban. And that will help mobilize political support for stopping the spread of nuclear arms.

U.S. SENATE,
Washington, DC, May 12, 1993.

The PRESIDENT,

The White House, Washington, DC.

DEAR MR. PRESIDENT: As you know, Public Law 102-377 suspended nuclear weapon testing for nine months, and required the end to all tests by September 30, 1996, provided that no other nation tested. This commitment to negotiate a comprehensive test ban treaty (CTBT) should be the backbone of your nuclear non-proliferation regime.

Now we understand that some members of your administration are recommending that the U.S. continue nuclear testing at levels below one kiloton after 1996. Mr. President, this proposal would not only be inconsistent with the law, but would significantly undermine your ability to stem the proliferation of nuclear weapons to other nations. The nuclear "have-nots" would conclude that the U.S. is conducting business-as-usual. Despite your call for change, they would understand that the United States wants to continue developing new nuclear weapons, and is not serious about stemming proliferation. Without a CTBT, the extension of the Non-Proliferation Treaty in 1995 would be jeopardized.

We therefore strongly urge you to reject any proposal for continued nuclear testing, no matter how low the threshold. It is time for the world to stop all nuclear weapon tests.

We also urge you to announce that the United States will not be the first to break the current testing moratorium. There is no need for the 15 safety tests allowed by law, since the military has announced that it will not incorporate the safety features verified by testing into our nuclear arsenal.

We can think of no better way to celebrate the 30th anniversary of President Kennedy's Limited Test Ban Treaty than to complete JFK's work, converting his limited ban into a global, comprehensive nuclear test ban. We look forward to your leadership on this critically important issue on the world stage.

Sincerely,

Tom Harkin, Daniel K. Akaka, Paul Simon, Paul Wellstone, Paul S. Sarbanes, Russell D. Feingold, Ben Nighthorse Campbell, Harris Wofford, Dianne Feinstein, Patty Murray, Herb Kohl.

Jim Sasser, Frank R. Lautenberg, Dale Bumpers, Carol Moseley-Braun, Barbara A. Mikulski, Thomas A. Daschle, Edward M. Kennedy, John E. Kerry, Christopher J. Dodd, Bill Bradley, Barbara Boxer, James M. Jeffords.

EXHIBIT 2

[From the Washington Post, May 19, 1993]

AN END TO NUCLEAR TESTING

It is the accepted wisdom that with the ending of the Cold War, nuclear nonproliferation has replaced strategic deterrence as the urgent center of American nuclear concern. The fear of weapons coming into more hands, and less responsible hands, has displaced the old apprehensions of Kremlin threat. But while nonproliferation as an idea is unchallenged, as a reality it is not yet fully knit

into American policy. Nowhere is this truer, and potentially more mischievous, than in the matter of nuclear testing.

Congress imposed a nine-month testing moratorium on President Bush last year; it ends on July 1. The measure was part of a package that permitted the conduct of up to 15 more underground tests over the following three years while the American government sought to negotiate a worldwide ban. The immediate question before President Clinton is whether the United States should use some or all of those 15 permitted tests by 1996. The deeper question is whether it should then accept a total test cutoff. Within the executive branch powerful voices have argued for continued testing—to make sure old weapons are safe and reliable and to develop small new weapons. These are the rationales for a proposal to permit small (up to one kiloton) tests on an indefinite basis after 1996. President Clinton, who spoke of a comprehensive ban (but in several tones) during his campaign, has yet to announce how he will come down.

In fact, no other decision serves the national interest as well as an immediate and permanent halt to all testing. Considerations of safety, reliability and development are not foolish and irrelevant. But they can be dealt with without testing subverting the overwhelming purpose of discouraging the spread of nuclear arms. A test is more than a test: It is a spectacular announcement that nuclear weapons are important, useful and appropriate instruments of national power. If the nuclear great power says so, who are would-be nuclear countries to say no?

Les Aspin, speaking a few months before he became defense secretary, said: "International cooperation is at the core of non-proliferation efforts, and that cooperation is going to be difficult if the United States continues insisting on nuclear testing." He got it just right.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. The Chair will caution the gallery not to show any displays of approval or disapproval.

The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

INTRODUCTION TO CONSTITUTIONAL CONCERNS

Mr. MCCONNELL. Mr. President, last Friday, in my first speech on the other side's campaign financing bill, I pointed out some of its absurdities. In fact, my colleague from Kentucky noted

that I was "giggling" during my speech.

I probably was not giggling, but I do confess to finding it somewhat a ludicrous proposal.

I confess to giggling on the Senate floor. I do not know whether that violates any rules of decorum; but in my defense, this bill is such a Rube Goldberg contraption of bureaucratic formulas, incumbent-designed loopholes, and bizarre inequalities that it amazes me how the other side can rhapsodize about this bill while keeping a straight face. It must take incredible self-control.

Today, however, I come to the floor not to poke fun but to provoke concern. This is a silly bill, but it is also a dangerous bill. It is silly in the way that many so-called loyalty oaths of the 1950's were silly; and it is dangerous in the same way. Both are full of high purpose and noble ideals; yet both seek to sharply restrict the acceptable scope of political debate, and to force political speech into Government-approved categories and forms of expression.

Let me put it plainly: This bill is unconstitutional. It violates, by its terms and provisions, the first amendment of the Constitution, which reads as follows: "Congress shall make no law * * * abridging freedom of speech, or of the press."

Whenever I bring up this bill's unconstitutionality, the other side invariably protests. They wave around a brief opinion piece, prepared by the Congressional Research Service, as if it were a talisman to ward off all unpleasant facts.

Now, I can appreciate a responsible counterargument to these constitutional concerns. It might be enough if the other side simply said, well, our constitutional experts believe this bill passes first amendment muster; so if you disagree, our constitutional experts and your constitutional experts will battle it out before the Supreme Court—and may the best argument win. That is at least a halfway responsible way to deal with the constitutional problem.

What is unforgivably irresponsible, however, is to say that we ought to just forget about the Constitution, ignore it altogether, and pass a bill that has a number of obvious constitutional defects in it. Let the Supreme Court handle it—we're too busy issuing press releases about reform, and constitutional law always gave us a headache anyway.

I call this the know-nothing response to the serious constitutional issues raised by this legislation. Rather than uphold the Constitution to the best of our abilities, which we all pledged to do when we came here, we can turn up the populist rhetoric, rail against special interests, moan about multi-million-dollar campaigns, and promise

to take the Government back from whom ever it was stole it.

Slogans are easy to coin. Solutions are much harder to achieve. As Members of this body, bound by the same oath to uphold the Constitution, we have a duty to step up to the serious constitutional questions raised by this bill.

Over the next several days and weeks, I intend to highlight some of these questions and demonstrate just how harmful and dangerous this legislation would be to core free speech values. By way of introduction, let me outline some of the broad constitutional parameters that have guided court after court in interpreting the first amendment—especially as it applies to political speech. In doing so, I will be quoting in part from the excellent testimony of Bob Peck, attorney for the ACLU.

As the Supreme Court indicated in *New York Times versus Sullivan*, political speech should be free to be "uninhibited, robust, and wide-open." The Court has made it clear on numerous occasions that political speech in general—and campaigns in particular—are the purest expression of the values implicit in the first amendment, and are therefore deserving of the greatest degree of freedom possible.

In *Monitor Patriot Co. versus Roy*, the court said the "first amendment has its fullest and most urgent application precisely to the conduct of campaigns for public office." This makes sense because, quoting the court in *Buckley versus Valeo*, the "discussion of public issues and debate on the qualifications of candidates are integral to the operation of the system of government established by our Constitution."

In *Mills versus Alabama*, the Court further underscored the special freedom that political campaigns and speech enjoy, saying that, "There is practically universal agreement that a major purpose of that amendment was to protect the free discussion of governmental affairs * * * includ[ing] discussions of candidates."

But the first amendment's guarantee of freedom of speech protects much more than the right of candidates to advocate whatever they want. Among other protections, it also secures the "right not only to advocate their cause but also to select what they believe to be the most effective means for so doing," quoting the Supreme Court in *Meyer versus Grant*.

In the context of a campaign where public financing is offered, some candidates will choose public financing, and some will forgo taxpayer funding in favor of private, limited, disclosed donations from supporters. The first amendment protects every candidate's right to choose between these alternative methods of financing their campaigns—from Government interference or coercion.

The first amendment protects people from this kind of Government interference. The Supreme Court also has spoken forcefully on the issue of effectiveness of the mode of communication chosen. In *Richmond Newspapers, Inc. versus Virginia*, the Court noted that the first amendment "entails solicitude not only for communication itself but also for the indispensable conditions of meaningful communication."

As anyone who is involved in electoral politics knows, one condition for effective communication is to have a substantial broadcast media campaign, an that usually requires a considerable amount of money.

Therefore, in the *Buckley* case, the Supreme Court recognized that spending limits inherently violate the first amendment by reducing the quantity of political speech, including the number of issues, the depth of discussion, and the size of the audience that might be reached. Spending limits, the Court said, amount to "substantial and direct restrictions on the ability of candidates, citizens, and associations to engage in protected political expression, restrictions that the first amendment cannot tolerate."

Mr. President, none of the rationales that were offered for spending limits were accepted by the Court in the *Buckley* case—none of them. The Court rejected both the concern about the potential for corruption as well as the proffered alternative rationale of equalizing the financial resources of candidates. Neither one was considered a sufficiently compelling justification for overruling the clear dictates of the first amendment.

Any constitutional assessment of purported campaign finance reform legislation should be guided by the following point made by the Justice Department in testimony before the Rules Committee in 1991:

It should never be forgotten that by protecting robust debate and broad criticism of competing candidates, the first amendment was the most important electoral reform ever enacted.

The other side knows that public support for taxpayer financing of elections is at an all-time low. Support for the Presidential election campaign fund through the tax checkoff has declined dramatically to only 17.7 percent checking "yes" in 1991. At one point, it was 29 percent. Public support has been dropping off from 29 percent down to 17 percent last year, the lowest yet, indicating that the taxpayers of this country are not willing to designate a dollar of taxes they already owe. It does not even add to their tax bill to pay for political campaigns.

We know the taxpayers hate taxpayer funding of elections. They detest, despise, and deplore taxpayer funding of elections. We have the most complete survey ever taken any time in the country every year on this issue; it is

the tax return. The most comprehensive poll ever taken in America on any issue is on this one, and people are voting every April 15, and they say we hate taxpayer funding of elections.

Aware of this fact, the other side has endeavored to minimize the up-front costs of their campaign finance bill at the expense of constitutional freedoms which Americans have enjoyed for over two centuries. By offering communications vouchers, reduced mail rates, and a super broadcast discount as rewards for compliance, as well as various severe penalties for spending over the prescribed limits, the bill before us desecrates the first amendment right of free speech. In this regard, the bill before us is very different from the Presidential system of spending limits and taxpayer financing, which was upheld in the Supreme Court in the *Buckley* case.

Under the Presidential system, candidates can qualify for matching funds in primary elections, and the two major party nominees are eligible for direct grants to spend in the general election. President Clinton and former President Bush each were given \$55 million from the Treasury to wage their campaigns in 1992. Had George Bush declined the grant and chosen to spend over the limit, Bill Clinton would not have received any additional funds or benefits from the Government, nor would President Bush have been penalized.

The direct grant is a straight bribe, if you will, for giving up the right to speak too much. While such a proposal raises its own constitutional questions, which a future Supreme Court may be willing to reexamine at some point, the Court in *Buckley* at least acquiesced to the voluntary speech restraints in the Presidential system.

Under this bill, on the other hand, the bill before us, a candidate who chooses not to participate in this taxpayer financing scheme, even on some purely ideological grounds, would not only be deprived of the communications vouchers, reduced mail rates, and super broadcast discount, he or she also would be subjected to a series of punitive provisions.

Among the punishments is a political provisions.

Among the punishments is a political scarlet letter. Nonparticipating candidates would be forced to run a disclaimer at the end of their ads saying this—listen to this, Mr. President—if you were so audacious as to want to speak all you wanted to, and you were philosophically opposed to taking taxpayer funds to fund your campaign, here is what you would have to put in your ads: "This candidate has not agreed to voluntary campaign spending limits." It makes you look like you are some kind of criminal. This would amount to a scarlet letter acquiescing for exercising one's first amendment

rights. That smacks of compelled speech, which the Supreme Court has ruled to be utterly unconstitutional.

The financial largess of the Federal Government also rains down on any free-speaking culprit. As soon as any nonparticipating candidate spends \$1 over the limit, his or her eligible opponent would receive a grant equal to one-third of the general election limit. If the nonparticipating candidate spent 133½ percent of the limit, his or her opponent would receive another grant equal to one-third of the general election limit.

The taxpayer-funded infusions to the eligible candidate would not cease until the nonparticipating candidate had spent twice the supposedly voluntary limit.

Mr. President, these direct grants, combined with the disclaimer to reduced mailing rate and the super broadcast discount are powerful incentives in the sense that the alternative—exercising first amendment rights—would cause one to be financially punned by the Federal Government. These provisions actually punish those candidates who exercise their constitutional right not to participate in this taxpayer-funded spending limits system.

S. 3 also directs the Federal Government to counteract those who exercise their first amendment rights through independent expenditures. For example, if the NAACP or B'nai B'rith spent money to oppose David Duke, the former Klansman could qualify under the Democratic plan for unlimited tax dollars to respond.

Let me repeat, Mr. President, under this bill that is before us, if some civil rights group decided to make independent expenditures against the candidacy of a former Klansman, like David Duke, who, say, is running for the U.S. Senate in Louisiana, once they are made by the civil rights group against David Duke, David Duke would get Federal taxpayer dollars.

David Duke would get our tax dollars to respond to a civil rights group. That is in this bill.

In its headlong rush to eliminate the perceived evils of party soft money, the bill tramples on political speech rights protected by the first amendment, as well as State electoral treatment protected from the 10th amendment. This bill imposes Federal regulations on virtually every aspect of State party activity undertaken during the Federal election year.

Federal interference with State electoral processes is allowable only pursuant to specific grants of constitutional power in the 14th, 15th, 19th, 24th, and 26th amendments. If Congress had the raw power to regulate State electoral processes, none of these other amendments would have been necessary. Clearly, that proves a point.

None of these other amendments justifies this massive Federal intrusion

into political activities of State parties. Whatever the actual or perceived evils of party soft money, this legislation goes much too far in squelching legitimate political speech and imposing Federal regulations on State electoral processes.

That is a just a thumbnail sketch of the constitutional problems contained in this bill. It is my hope that this body will deal seriously with these issues and not simply leave our constitutional messes behind for the Supreme Court to clean up.

We look forward to further debate on this issue as well as action on amendments which I will be proposing which will help disinfect this legislation of its blatantly unconstitutional provisions.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 367 AND AMENDMENT NO. 368

Mr. WELLSTONE. Mr. President, are the Wellstone amendments now pending again?

The PRESIDING OFFICER. The Senator is correct.

Mr. WELLSTONE. Mr. President, my understanding from talking with the Senator from Oklahoma, and I believe we also had a colloquy with the junior Senator from Kentucky, is that we are trying to work something out with the language of the Wellstone amendments.

So, Mr. President, I ask unanimous consent that the Wellstone amendments be temporarily laid aside.

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

AMENDMENT NO. 370

(Purpose: To reduce the individual contribution limit to \$105 per Senate election cycle)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 370.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place insert the following:

SEC. . REDUCTION OF CONTRIBUTION LIMITS.

(a) AMENDMENT.—Section 315(a)(1)(A) of FECA (2 U.S.C. 441a(a)(1)(A)) is amended by striking the semicolon and inserting “, but no more than \$105 in the aggregate with respect to an election cycle in the case of a candidate for the Senate;”.

(b) EFFECTIVENESS.—The amendment made by subsection (a) shall be in effect only when there is in effect a law that provides for significant public financing of Senate election campaigns (including payments of money, vouchers for use in connection with the pur-

chase of the use of media for communication to the public discounted or free use of communications media, and reduced mailing rates) for primary elections, runoff elections, and general elections.)

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second?

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 370, AS MODIFIED, TO AMENDMENT NO. 366

Mr. WELLSTONE. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place insert the following:

SEC. . REDUCTION OF CONTRIBUTION LIMITS.

(a) AMENDMENT.—Section 315(a)(1)(A) of FECA (2 U.S.C. 441a(a)(1)(A)) is amended by striking the semicolon and inserting “, but no more than \$100 in the aggregate with respect to an election cycle in the case of a candidate for the Senate;”.

(b) EFFECTIVENESS.—The amendment made by subsection (a) shall be in effect only when there is in effect a law that provides for significant public financing of Senate election campaigns (including payments of money, vouchers for use in connection with the purchase of the use of media for communication to the public, discounted or free use of communications media, and reduced mailing rates) for primary elections, runoff elections, and general elections.

Mr. WELLSTONE. Mr. President, let me give some context to this amendment that I offered to the Senate. The context is going to be about this mix of money and politics in the United States.

Let me just say at the beginning that in many ways I feel as though—and I am not at all sure how many votes there will be for this amendment—but I really believe that this amendment goes to the heart and soul of the green bus campaign in Minnesota in 1990 and the mandate from Minnesotans about getting money out of politics.

Yesterday I spoke on the floor of the Senate about this mix of money and politics, and I talked about the ways in which I believe people feel really ripped off, and the fact that we have such big money right now in politics that I think it undercuts the very essence of representative democracy. Once again, my standard for representative democracy is when each person counts as one and no more than one. Given the kind

of system we have right now of campaign finance in this country, that is simply not the case. I think that is why there is so much disillusionment why there is so much anger. I think that is why the term-limitation drives in a good many States in this country, have been successful, and that is why I think we have to make major changes.

Before I start out talking about this issue of big money in politics and giving some context to this amendment, I do want to apologize to the junior Senator from Kentucky. There are going to be, I am sure, points we are going to be debating over the next several weeks. That is an honest disagreement.

Yesterday, the junior Senator from Kentucky read from an op-ed piece in the L.A. Times which was actually written by my very good friend, maybe the best friend I have in the world, Barry Casper, in which Barry Casper was very critical of the bill we now have before the Senate. The junior Senator from Kentucky correctly quoted Professor Casper.

I then said I thought the junior Senator from Kentucky decontextualized the piece; meaning, surely he did not include the part where Professor Casper talked about his strong support for really comprehensive public financing, for dramatically reducing big money in politics. That was not in the piece. Therefore, the Senator from Kentucky correctly characterized Professor Casper's piece. I do apologize to the Senator because I think my criticism was unfair.

I think my criticism of his overall position is not unfair, but I think my criticism—

Mr. MCCONNELL. Mr. President, I would just like to thank my friend from Minnesota. We will enjoy these debates and we will move ahead without misrepresenting each other's views.

I thank the Senator for his observation.

Mr. WELLSTONE. I apologize again to the Senator.

Let me start out by comparing past and current congressional spending.

In 1980, expenditure on Senate campaigns was \$73 million. In 1990, we were talking about expenditures on Senate campaigns of \$173 million. Or consider the average cost, Mr. President, of a Senate campaign, another good barometer: \$1.2 million in 1980; \$3.3 million in 1990; almost \$3.7 million the average cost in 1992 and likely to rise again if people continue to raise money at the pace that they are now raising in the first 6 months of this year.

The average cost for Senate campaigns for incumbents in 1990, Mr. President, was \$4.5 million and, therefore, people in the country raised the question, how long can this money chase continue?

In a broader context, look at the way in which costs have skyrocketed in the House and Senate elections in the past

10 years. This graph illustrates a dramatic increase, an explosion of costs over the last decade to \$678 million spent in the 1992 elections; \$678 million, a tremendous explosion over the last decade plus, starting with \$200 million, and all the way up.

Let me repeat: \$678 million spent on congressional races in the last 2 years. Can we blame people in this country for not having confidence in this political system? Can we blame people in this country for being frustrated and angry about this obscene amount of money that goes into politics? Can we blame people in this country for being cut out of the loop? Regular people just know that they are not considered the big players, or the big contributors.

This, Mr. President, is auction-block democracy. It is checkbook democracy. That is what we have to reform. That is what we have to reform. That is what we have to reform.

Now, while some of this increase, Mr. President, was due to redistricting, or an unusually large number of House incumbents who retired, or a couple of special Senate elections, the trend is, nevertheless, clear and unmistakable and, I might add, from the point of view of anybody who cherishes representative democracy, very disturbing. The spiraling campaign costs mean that fundraising for lawmakers in the Senate—the amount that we are supposed to raise in order to be credible, in order to get ready for the next election, is \$12,000 per week. Let me repeat that. In order to be viable candidates, we must raise \$12,000 per week.

Mr. President, by the way, if that is the standard, I am way, way behind.

I will now focus on the PAC contribution part, and then I will get to the individual contributions.

Senate incumbents seeking reelection in 1992 received on average \$1 million from PAC's, while challengers received about \$250,000. That is a 4 to 1 edge for incumbents in PAC contributions. During that same period, the overall edge for Senate incumbents just in terms of overall spending, PAC and individual contributions, which I will get to in a moment, was 2 to 1.

According to the Center for Responsive Politics, the increase in PAC spending held true all across the spectrum in 1992, ranging from a 14 to 17 percent increase. In 1990, business PAC's gave \$122.1 million, labor PAC's gave \$16.4 million, and ideological or single-issue PAC's gave \$42.5 million. As we well know, these contributions have gone and go overwhelmingly to incumbents.

Now, what I would also like to point out is the distribution of PAC contributions to incumbents versus challengers.

If you look at this graph right here and you look at the distinction between what challengers get and what incumbents get, you can see across the

board that it is a most stacked deck—challengers in black, incumbents in this checkered block, and then candidates in open seats. It is a stacked deck, and the vast majority of the PAC moneys have clearly gone to incumbents.

Let me use health care as an example—I would argue a prime example—of some of the abuses. Not surprisingly, health care spending by PAC's led the way in 1992. And if you look closely, what you will see is that there has really been a dramatic increase in PAC contributions by the health care industry as the tempo toward reform has picked up.

Americans want to see a major change in how we finance and deliver health care. When people come up to us at a cafe in Minnesota or a cafe in California, they say: Senator, will there be decent coverage for myself and my children? Senator, will it be a decent package of benefits? Senator, will I have some choice of doctors? Senator, will I be able to afford it?

I am sure you will find wherever you go that health care is a most compelling issue and people are calling for major change. But comprehensive health care reform threatens some of the very powerful interests in the medical industry, and right here is just an example of the amount of money that we see spent by the health care industry: \$41.4 million in the 1990-92 period of time. This year alone the Health Insurance Association of America is spending about \$4 million to discredit, for example, the single-payer plan. They have a massive campaign in this country—I would call it really a propaganda campaign—about all of the problems in the Canadian system, not, of course, mentioning what the polls show: overwhelming support by people in Canada because there is a system of cost containment and they have universal coverage.

(Mrs. FEINSTEIN assumed the chair.)

Mr. WELLSTONE. Now, Madam President, no system is perfect. That is not my point today. Clearly, we would take from the Canadian system what works and then we would improve on what does not work as well. I am just talking about this mix of money and politics now.

The Health Insurance Association of America is only one of several organizations paying big bucks to frustrate any kind of real reform, reform that as a matter of fact goes after some of the bloat in the administration, that goes after some of the profiteering.

Medical industry PAC contributions increased by almost 2½ times during the 1980's. People saw the reform trend starting to move and they moved to ensure access to their allies in the Congress.

It is that simple. They could see the writing on the wall. They could see

that health care reform was a major issue in this country, and the big PAC money started pouring into their allies. The industry has focused, as a matter of fact, this attention on those committees which have the jurisdiction. The top 10 recipients of medical industry PAC contributions all sit on 1 of 4 committees in the Senate with jurisdiction over health care. In the other body, 17 of the top 20 recipients served on a key health care committee with 2 of the remaining top 3 in the House leadership. The tentacles of the health care industry, Madam President, are very long and very powerful. And in the Senate, 84 percent of health care PAC contributions went to incumbents during the 1992 race—84 percent of the PAC money went to incumbents.

According to Public Citizen, medical industry PAC's alone have given over \$60 million to fund congressional campaigns since 1981. According to Public Citizen, over \$60 million by health industry PAC's alone have gone to candidates—72 percent going to incumbents.

But, Madam President, PAC money is just the tip of the iceberg on health care. I would like now to return to the graph that comes from data in the May 24 issue of U.S. News & World Report. This is based on their study of FEC data in the last 2-year cycle.

According to U.S. News & World Report, the total contributions to Federal candidates from health care sources rose to \$41.4 million.

This is total money that was spent in this period of time. Again, this includes PAC money, soft contributions, individual contributions. But do you know what? People are not confused. Call it PAC money, call it soft money, call it individual contribution money, call it bundled money, it all amounts to the same thing: Big money in politics used to try to thwart major health care reform.

This was, Madam President, a 31-percent increase in contributions over 1990. This money comes from all sources: From doctors, the insurance industry, mental health providers, medical services and supply companies, HMO's, chiropractors, nurses, therapists, pharmaceutical companies and others—again, \$41.4 million in the 1990-92 cycle; an enormous amount of money getting poured into House and Senate races.

Madam President, let me give some examples from the article so people can understand the scope of the problem here: American Medical Association, in 1989-90, gave \$2.37 million; in 1991-92, they gave \$2.93 million; a 24-percent increase. The American Dental Association gave \$817,000 in 1989-90, \$1.42 million in 1991-92; a 74-percent increase. The list goes on.

I ask unanimous consent to have printed in the RECORD following my remarks, an article in the Washington

Post which illustrates this impact of health care spending, and the article in U.S. News & World Report which I referred to.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. WELLSTONE. Madam President, I would like to quote from the article a key passage that bears directly on this question. It says:

Most of these funds went to incumbents, Republicans, or conservative Democrats who favor moderate market-based reform and hold other positions friendly to physicians and insurance companies.

Madam President, in light of this reality there were a number of us—I certainly had an amendment that I was going to offer which was going to prohibit contributions from political action committees if in fact we went to a system of comprehensive public financing. I am grateful to Senator FORD and Senator BOREN and others, for the leadership bill now includes this provision, and we now have a prohibition on contributions from political action committees.

But I want to make it very clear that I hope this time we will do better than what we did when we dealt with S. 3 last time, when we abolished PAC's on the Senate side, but it was put back in during the House-Senate conference. So eventually what we came out with was a \$2,500 PAC limit for Senators. I think if we are serious about this, and we are talking about the pernicious influence of PAC money, then I believe that this time we should make sure that no such game is played, and again in the context of a system of public financing with a level playing field we should get this big money out of politics.

But in addition to the PAC ban—now I go to this amendment—another key element of reform I think is really missing in this bill, is to reduce individual contributions of Senators to \$100. That is the amendment I am offering today.

This amendment is simple and it is straightforward. It comes in two parts. The first would reduce the current \$1,000 per election individual contribution for Senate elections to \$100 per individual per cycle. In other words, Madam President, as opposed to individuals being able to contribute \$1,000 primary, \$1,000 general election, that is \$2,000, I want to cut that down to \$100 per individual per election cycle.

The second part of this amendment would require that this contribution limit would only be effective under an expanded public campaign regime that provides for significant public financing in the primary, in the runoff, and in the general election for U.S. Senate.

This amendment is designed to tie these two concepts of lowering the individual contribution limits and having significant public financing in

some combination of communication vouchers, matching and direct grants, free media or lower broadcast rates, or low mail rates.

The specific debate about public financing will be enjoined when Senator KERRY and Senator BRADLEY and Senator BIDEN bring their public financing bill out to the floor. I will be very proud to join them in support of that amendment and will be involved in that debate.

I just simply want to for a moment respond one more time to those who say that we are talking about food stamps for politicians. If you cut the issue that way then of course people will say we are not interested in food stamps for politicians. But if as we are, you talk about a relatively small amount of money on the Senate side—one estimate is around \$150 million per cycle—and you are saying that in exchange for a small amount of public money you could restore competitive elections, you could end the mortgaging of governance to big money contributors, you could restore representative democracy, you could end a lot of the wheeling and dealing around money in politics, not to mention the kind of money that you could save for the taxpayers through the kind of subsidies that go to all too many interests who are too well represented here. Then public opinion turns around. I recite a recent Greenberg-Lake poll that found almost three-quarters of the voters in our country, 72 percent to be precise, support extending the Presidential public financing system to the congressional races if the reform package includes eliminating or drastically reducing PAC money and individual contributions as well.

Madam President, we can do much better. This is the time for fundamental reform. We had a President in the State of the Union Address, and a President during his inaugural speech who talked about making sure that this Capitol belonged to the people. We have said to people in this country that we want to be reformers and we want to make a real difference and have a major change in how we finance campaigns, so the vast majority of people will not feel out of the loop. One of the things we have done is said we will eliminate PAC contributions.

But I think there is a large loophole here. It is one that this amendment speaks to. The loophole is as follows: What will happen is what happens all the time, which is to say it may be true that a S&L here or a corporation cannot contribute PAC money, but there is nothing to prevent that particular S&L, or that particular corporation, to bring together executives at one time, and just simply contribute money that way.

So that, for example, what could happen is lobbying coalitions could continue to come together here in Wash-

ington as they do now. We all know the way this works. A Senator can go to a fundraiser, 100 people are brought together, a lobbyist calls any number of different people, organizations, puts together a fundraiser for a Senator, 100 people come, \$1,000 per person, \$100,000 at a crack. Not a bad night's work.

If we in fact want to get interested private money out of politics, if we want to provide some reassurance to people in this country that we have clearly dealt with that problem, then my position is we ought to have some kind of standard.

I think that a good many of my colleagues are going to say, Senator Wellstone, this is going too far. If you are going to talk about \$100 contributions, I mean that is a very little amount of money. But I will tell you something right now. If you ask ordinary people in Minnesota, or ordinary people in California, or elsewhere around the country, how much money do they contribute, they will tell you that \$100 is quite a bit of money. And most people do not even contribute that.

If we are going to argue that each person should count as one and no more than one, then I think we have to meet the Main Street test. And \$1,000 per election which is really \$2,000 per cycle is way out of the reach of regular people in this country.

So I think that we have to provide people some assurance, that as a matter of fact what we are doing in addition to eliminating the special PAC moneys is we are plugging loopholes, and we are making sure that we do not have a continuation of what I think goes on all too often here in the Nation's Capital, which is you have these fundraisers all the time where people are brought together, who can make the big buck contributions. That is precisely what happens.

Once again, let us be frank. Is a group of 50, \$1,000 contributions from savings and loan executives any different from a huge S&L soft money contribution? Or, for that matter, independent expenditure contributions when the funds come from a group of executives or lawyers at a law firm? Is not the result the same? Huge amounts of private money enter into this political process. Madam President, we still have a sieve here.

We still have a sieve, and I predict that if in exchange for public financing in the leadership bill—I do not think it is enough public financing—we eliminate the PAC money within a section wherein candidates agree to spending limits. But if we have \$1,000 per election, you are just going to see it all shift toward these big lobby coalitions bringing folks together, and Senators, in 1 hour, raising \$100,000 a crack, and we will have not spoken to the concern that people have in this country about the ways in which big money taints the political process.

So, Madam President, addressing that problem is really the purpose of this particular amendment. While I do not want to belabor the point—and I do not intend this analysis to be personal in relation to any of my colleagues—I think it is a systemic problem, because the vast majority of people in this country do not make \$1,000 and \$2,000 contributions. This is the same big money that will continue to dominate the political process.

I also believe that if we do not eliminate this big money from the political process—as naive as this might sound on the floor of the Senate—then people will continue to believe that the reason they do not get a fair shake when it comes to tax policy, the reason they do not get a fair shake when it comes to health care, the reason they do not get a fair shake when it comes to having their interests well represented here, is because they do not have big bucks. They are not the ones that made the big individual contributions.

Finally, Madam President, let me point out that of the contributions to Senators, over \$200, about 20 percent, just looking at recent FEC reports, were between the \$200 and \$500 range; about 78 percent are in amounts from \$500 to \$1,000. So the trend, Madam President, has been toward large, individual contributions. And my fear is if this amendment is not passed and we go with this \$1,000 per election, which is entirely too high, then big dinners, big money receptions, and other similar events, will become prominent features of the postreform Washington landscape, and we will not have done the job that we should have.

Let me just also make it very clear that when we are talking about big fundraisers, that Senators—I want to simply go to another chart. By and large, Senators rely on individual contributions. When I was looking at the FEC data, what I noticed in the last few elections is that Senators have relied on individual contributions for about 60 to 65 percent of their overall funds. In 1986, for example, Senators raised \$140 million in individual contributions. In 1992, after dipping slightly, the figure has climbed to \$162 million. So, 62 percent of the fundraising is in individual contributions.

Just look at the amount of money from PAC's that have gone into Senate races and look at the party contributions, what candidates have contributed, and then look at the amount of individual money that has gone into these races.

So, Madam President, I believe that it would be a little bit disingenuous for the U.S. Senate to wipe out a benefit like a PAC contribution, upon which not that many of us rely that heavily, but leave the major source of big money contributions to Senate races more or less untouched. And that is why I propose this amendment.

I think the political earth has moved under our feet, and I believe that we ought to respond. I take seriously what the President said when he said we ought to give the capital "back to the people to whom it belongs." I take seriously a principle that was articulated by five of my Republican colleagues who wrote Chairman FORD on May 19 and said, "we don't believe campaign finance reform will be true reform until it hurts incumbents."

Madam President, if you only eliminate the PAC contributions and you do not do anything about this huge amount of individual contributions that come into our campaigns—most of it \$500 to \$1,000—then you have not dealt with the fundamental issue about the way in which money, big money, has come to dominate politics in the United States of America, and you will have not addressed the most significant way that U.S. Senators raise their money in campaigns. We can do better for people in our country.

I will conclude with these words, Madam President, because I know that both caucuses are soon going to be meeting.

Some of the amendments I am going to be introducing to the leadership bill, I believe, are amendments that will pass. I believe I will have the support of my colleagues. Once in a while, you introduce an amendment—I see Senator CRAIG from Idaho, and we do not agree on a lot of issues, but I think we agree that if you believe in something, you go forward with it. Along with health care and children and education, to me, the whole issue of reform in Government, the whole issue of reform by way of campaign finance is central to our work here. If I did not bring this amendment out to the floor and fight for it, I just would not be living up to my mandate from Minnesotans.

We campaigned in this rattle trap, beaten-down bus, and I talked about eliminating big money from politics. I made the promise that I would fight for it. I believe that if we were to eliminate PAC money or drastically reduce PAC money, if that is all you can do constitutionally and get large contributions out in exchange for it—and I argue that has to happen—and extend public financing to general elections, to primaries as well—then you have a level playing field, and then you truly would have an opportunity for incumbents to have an opportunity to win races. And I think you would have eliminated a lot of the interested private money, and you move toward clean money and people in the United States of America would really control their elections and their Government.

My amendment, once more, reduces the individual contribution limits. He says that \$2,000 per cycle is too much. That \$2,000 does not meet the cafe standard. Ordinary Americans cannot make those kinds of contributions.

Knock it down to what people can contribute, and \$100 makes good, common sense to me. That, I think, should only take place and only be in effect within the context of an expanded system of public financing.

I urge my colleagues to support this amendment.

I yield the floor.

EXHIBIT 1

[From U.S. News & World Report, May 24, 1993]

MONEY, CONGRESS AND HEALTH CARE

On a clear night in Washington not too long ago, about 20 doctors from around the country partook in what has become an annual rite of spring in the nation's capital, wining and dining a member of Congress while they got a few parochial concerns off their chests. The guest of honor was a Tennessee Democrat named Jim Cooper, a highly regarded lawmaker who authored a bill calling for managed competition in the health care industry, a bill that would affect the assembled physicians. "It isn't in smoke-filled rooms where you get someone to vote one way or the other," says Donald Fisher, executive vice president of the American Group Practice Association. "What it really is an open, honest dialogue about what is needed." That spring night Cooper received checks totaling \$13,000 after his dinner with the doctors.

The health care industry today represents one seventh of the American economy. Reforming the system will be the most significant legislation since the passage of Social Security. For the special interests involved, reform of the system may be the biggest fight of their lives.

And they intend to make sure their voices are heard. A U.S. News computer analysis of Federal Election Commission records found that health care and insurance industry interests plowed a phenomenal \$41.4 million into House and Senate campaigns in 1992—a jump of 31 percent over 1990. The increase is significant: Over the same period, campaign contributions of all kinds rose only 10 percent. "The increase," says Michael Podhorzer of the consumer lobby Citizen Action, "is nothing short of an explosion."

The U.S. News study examined nearly 2 million campaign contributions made between 1990 and 1992 by individuals and political action committees. Principal findings:

Doctors, individually or through PACs, gave \$16.4 million in 1992, an increase of 45 percent over 1990.

The biggest jump in contributions came from nonphysicians—mainly chiropractors, nurses and physical therapists. These groups seek inclusion in any basic benefits plan that emerges from the Clinton reforms and stand to gain from an increased emphasis on preventive care. Contributions from them increased by 48 percent over 1990.

Contributions known as independent expenditures jumped to \$1.1 million last year from physicians alone. That's nearly one tenth of all independent expenditures, making the health industry among the biggest such contributors.

"Soft money," unrestricted contributions to state and national political parties, represents a growing part of campaign war chests. Last year, health care interests paid \$5 million to political parties. Much of that money was used in congressional races.

Federal Election Commission records show strong evidence of "bundling" by employees of health care industries. Bundling con-

stitutes no violation of law, but it is a good indication of an interest group's influence. The U.S. News examination found dozens of examples of checks being received by the same member of Congress on the same day from employees of the same corporation. The contributions amounted to well over \$100,000.

The top recipients of health care and insurance dollars almost all faced strong opposition in the November elections. Nearly all were incumbents, Republicans or conservative Democrats who favor moderate, market-based reform and hold other positions friendly to physicians and insurance companies. Many of these same congressional leaders, aware of the stakes in the fight over health care reform, began soliciting money months and months ago. "We get many, many requests every week from candidates," says Mark Seklecki of the American Hospital Association. More candidates asked for money last fall, Seklecki says, than ever before.

While records of political contributions this year are not yet available, evidence suggests that the spending will increase over 1992. The American Chiropractic Association, for example, has already raised more than \$1 million in membership fees and political action funds. A spokesman says the money will go to finance the organization's "very aggressive grass-roots campaign." The chiropractic association has declared the fight over health care reform a "national legislative emergency." All over Washington, lobbyists are getting called. One well-connected Washington firm, Gold & Liebgood, has picked up six new health-related clients. "They are coming to us," says Martin Gold, "because of our contacts in Congress." Another big player is Cassidy & Associates. The firm gave \$238,928 to members of Congress in individual donations. Its clients include pharmaceutical firms and a large hospital chain.

Always influential, the medical and insurance lobbies have successfully fended off health care reform before. The American Medical Association, for example, pushed Franklin D. Roosevelt to keep health care out of the New Deal. Now that change is likely, however, the special interests are trying to minimize the damage. Although President Clinton will not announce his plan until June, reform proposals have already created strange bedfellows. Large insurance companies that already have health maintenance organizations stand to benefit from a system of managed care while their smaller counterparts may be forced to insure higher risk patients. Labor unions worry that mandated benefits will be less generous than the ones they already have. Small businesses fret over how to pay for insurance they don't now provide. Pharmaceutical companies accused of price increases that far exceed inflation face the prospect of price controls. And doctors, having resigned themselves to government interference, can only make sure their practices suffer as little as possible.

Everyone, in other words, is looking for help from Capitol Hill. As with much important legislation, three battlegrounds are key: the House Ways and Means Committee, the Senate Finance Committee and the House Energy and Commerce Committee. Members of these panels and of labor committees, as well as congressional leaders, showed up repeatedly in the U.S. News analysis of campaign contributions from the health care industry.

The No. 1 recipient: Pennsylvania Sen. Arlen Specter. A minority whip and the ranking Republican on the subcommittee

with jurisdiction over health care spending, he received \$421,737. His opponent in a close November race, Democrat Lynn Yeakel, spooked doctors with her support for a national health care system based on the Canadian model. Specter came out strongly against such a system and in favor of managed care and reduced paperwork. He is also a key swing vote in any close fight over reform. "Priority 1," explains one industry lobbyist, "is fence sitters. No. 2 is folks on your side."

Paper flow. Similar dynamics help explain campaign contributions to other congressional favorites from the health care industry. In the tight Senate race between Oregon Republican Bob Packwood and Democrat Les AuCoin, Packwood took the more conservative approach to health care reform, calling for changes in the existing employer-based system and tax credits for the uninsured. Throw in paperwork reduction measures—against AuCoin's advocacy of a single-payer national health program—and Packwood was the natural choice of the health care industry, which ponied up \$308,658, most of it from doctors.

In Arizona, Republican Sen. John McCain, a minority whip and member of the minority task force on health care, preached against "pay or play," which would require employers either to provide health benefits or pay into a system provided by the government. And in Iowa, Sen. Charles Grassley, a Republican member of the Senate Finance Committee, deplored the costs of medical malpractice awards. Doctors and insurance companies responded in kind, with gifts of \$208,129 and \$150,357, respectively. Health interests were also happy to contribute \$327,637 to Democratic Sen. Christopher Dodd, whose home state of Connecticut employs 52,000 people in that business. "We make no apologies," says a spokesman for the senator, "for representing the workers of Connecticut."

Another winner in the campaign finance sweepstakes is Indiana Republican Dan Coats, who is neither a Senate leader nor a member of the most powerful committees. He is, however, a friend of pharmaceutical giant Eli Lilly & Co., a sympathetic ear for doctors and a former lawyer for an insurance company. With the Democratic contender calling for curbs on drug prices, Lilly rewarded Coats with more than \$38,900 in contributions, \$28,900 of that from individual employees.

For all the money they're spending, few in the health industry want to talk about it. The AMA, for example, declines to discuss its PAC giving or its lobbying strategy. For pharmaceutical companies, the threat of price controls is reason enough to ante up contributions. "It's just the way you play the game," says Julianna Newland of Eli Lilly. "It's part of doing business."

Not all the health industry money is flowing to political candidates and traditional lobbyists. Aetna Life & Casualty, Golden Rule and the Mayo Clinic are among the corporate supporters of the nonprofit Jackson Hole Group, which is credited with the managed competition approach endorsed by Clinton. The Jackson Hole Group has a healthy budget of \$600,000, and Paul Ellwood, the group's founder, says he solicited as much as \$100,000 apiece from big insurance companies.

This picture of money and politics is incomplete without a look at donations by individuals, who can boost spending well beyond the limits set for PACs. Howard Palefsky, president of Collagen Corp., a Palo Alto, Calif., medical device company, gave \$500 to Sen. Orrin Hatch last year after a din-

ner thrown by the chairman of Allergan, a pharmaceutical firm. A total of 22 people from medical device firms—13 from Allergan alone—gave Hatch \$12,400 on the same day. "Mine was in support of the man," says Palefsky. "He represents the kind of thinking that needs to be represented on the health and labor committee."

TO WIN FRIENDS AND INFLUENCE POLS

The Federal election Commission calls them "24E" transactions. They also go by the name "independent expenditures," but whatever you call them, they're a lot of bang for the buck. Thanks to an obscure Supreme Court ruling that defends the contributions as a First Amendment right, lobbyists, political action committees, anyone, really, can spend as much money as they want on a favorite candidate—as long as the money does not go to the campaign directly. Unlike direct PAC contributions, which are limited to \$5,000 per candidate in the primary and \$5,000 in the general election, the sky's the limit on independent expenditures.

They may be unfamiliar to most Americans, but just about everyone has seen the results of these campaign contributions. The controversial TV ad about prison inmate Willie Horton that did so much damage to the presidential hopes of Michael Dukakis, for instance, was paid for by an independent expenditure for the campaign of George Bush. Realtors, foreign-car dealers and abortion-rights activists are among the biggest players in the independent expenditure game.

So is the American Media Association—the fourth-biggest source nationally of independent expenditures on political campaigns. In the final two weeks before the November 1992 election, the AMA and its affiliate California Medical Association doled out over \$1 million to the campaigns of just 23 politicians—including both Bill Clinton and Bush. Holding its fire until the final days of the campaign, the AMA got the maximum punch by targeting friendly pols in close races.

California Democrat Vic Fazio was the biggest beneficiary. In just one week, between October 20 and October 27, records show, the AMA and the California Medical Association spent \$257,585 to assist Fazio's campaign against challenger H. L. Richardson. "Feeding the alligator," Richardson calls such spending. He says the negative TV ad the AMA paid for hurt his chances in what was a close, hard-fought race. Fazio opposed some AMA positions, but he supported others, like malpractice reform. At the same time, Fazio is enormously influential in Washington, and the AMA agreed to back him for that reason.

Some of the AMA's other independent expenditures were more strategically placed. In the last two weeks before the election, the AMA spent \$103,385 on radio ads and an additional \$15,000 on a poll to help Texas Democrat Mike Andrews defeat Republican Dolly Madison McKenna and keep his seat on the powerful House Ways and Means Committee. Andrews, an advocate of managed health care whose district includes the enormous Texas Medical Center, has always been able to raise big money from medical interests. This time, though, the AMA got more than it might have hoped for. Soon after his reelection, Andrews won a seat on the critical Ways and Means subcommittee on health care. From that perch, the Texas congressman will exert enormous influence as the battle is joined over how to fix the nation's health care system.

MONEY MACHINE

Campaign contributions from health care and insurance interests boosted dozens of

congressional candidates in 1992. The biggest winners:

Senate

1. Arlen Specter (R-Pa.)
2. Bob Packwood (R-Ore.)
3. Daniel Coats (R-Ind.)

House

1. Richard Gephardt (D-Mo.)
2. Henry Waxman (D-Calif.)
3. Dan Rostenkowski (D-Ill.)

THE CAPITOL GANG

The U.S. News analysis of campaign contributions to members of Congress identified millions of dollars from medical and health care interests. Most of the top 100 recipients sit on key committees or hold leadership positions. Amounts of 1992 contributions and identifications of principal interest groups are also shown.

Arlen Specter, (Sen., R-Pa.) \$421,737, doctors.

Bob Packwood, (Sen., R-Ore.) \$395,686, insurance.

Richard Gephardt, (Rep., D-Mo.), \$369,462, insurance.

Daniel Coats, (Sen., R-Ind.) \$357,463, pharmaceuticals.

Tom Daschle, (Sen., D-S.D.) \$343,633, doctors.

Christopher Dodd, (Sen., D-Conn.) \$327,632, insurance.

Christopher Bond, (Sen., R-Mo.) \$307,204, doctors.

John McCain, (Sen., R-Ariz.) \$297,148, doctors.

Charles Grassley, (Sen., R-Iowa) \$280,129, insurance.

Bob Graham, (Sen., D-Fla.) \$273,870, doctors.

Bob Dole, (Sen., R-Kan.) \$262,552, insurance.

John Breaux, (Sen., D-La.) \$255,922, insurance.

Henry Waxman, (Rep., D-Calif.) \$244,799, doctors.

Dan Rostenkowski, (Rep., D-Ill.) \$243,198, insurance.

Barbara Boxer, (Sen., D-Calif.) \$235,243, doctors.

Pete Stark, (Rep., D-Calif.) \$229,601, doctors.

Newt Gingrich, (Rep., R-Ga.) \$169,559, insurance.

Wendell Ford, (Sen., D-Ky.) \$169,349, insurance.

Barbara Mikulski, (Sen., D-Md.) \$165,388, doctors.

Vic Fazio, (Rep., D-Calif.) \$160,757, doctors.

Nancy Johnson, (Rep., R-Conn.) \$150,605, insurance.

E. Clay Shaw, (Rep., R-Fla.) \$148,895, doctors.

John Dingell, (Rep., D-Mich.) \$144,097, insurance.

Kent Conrad, (Sen., D-N.D.) \$140,714, insurance.

Sander Levin, (Rep., D-Mich.) \$139,996, doctors.

Michael Andrews, (Rep., D-Texas) \$138,110, insurance.

Benjamin Cardin, (Rep., D-Md.) \$130,100, doctors.

David Bonior, (Rep., D-Mich.) \$128,625, doctors.

Charles Rangel, (Rep., D-N.Y.) \$127,009, insurance.

J. Roy Rowland, (Rep., D-Ga.) \$122,675, doctors.

Barbara Kennelly, (Rep., D-Conn.) \$118,650, insurance.

Michael Bilirakis, (Rep., R-Fla.) \$117,029, doctors.

Sam Gibbons, (Rep., D-Fla.) \$115,899, insurance.

Phil Gramm, (Sen., R-Texas) \$106,550, doctors.

Bill Richardson, (Rep., D-N.M.) \$104,760, doctors.

Butler Derrick, (Rep., D-S.C.) \$103,805, insurance.

Frank Murkowski, (Sen., D-Alaska) \$101,709, doctors.

Don Sundquist, (Rep., R-Tenn.) \$100,342, doctors.

Orrin Hatch, (Sen., R-Utah) \$98,648, pharmaceuticals.

Jim Slattery, (Rep., D-Kan.) \$93,599, insurance.

Robert Matsui, (Rep., D-Calif.) \$87,660, doctors.

Robert Michel, (Rep., R-Ill.) \$87,323, insurance.

Jim Bunning, (Rep., R-Ky.) \$87,109, insurance.

Mike Synar, (Rep., D-Okla.) \$84,031, lobbyists.

Jim McCrery, (Rep., R-La.) \$82,450, doctors.

Dave Durenberger, (Sen., R-Minn.) \$81,200, pharmaceuticals.

J.J. Pickle, (Rep., D-Texas) \$80,547, insurance.

Tom Harkin, (Sen., D-Iowa) \$79,575, doctors.

John Bryant, (Rep., D-Texas) \$78,339, doctors.

Bill Brewster, (Rep., D-Okla.) \$77,999, doctors.

Edward Kennedy (Sen., D-Mass.) \$75,041, other providers.

Alex McMillan (Rep., R-N.C.) \$72,120, doctors/pharmaceuticals.

Fred Grandy (Rep., R-Iowa) \$71,096, insurance.

Dave Camp (Rep., R-Mich.) \$65,630, pharmaceuticals.

Frank Pallone (Rep., D-N.J.) \$65,305, doctors.

Ralph Hall (Rep., D-Texas) \$64,200, doctors.

Thomas Manton (Rep., D-N.Y.) \$63,499, insurance.

Peter Hoagland (Rep., D-Nek.) \$63,400, insurance.

Dennis Hastert (Rep., R-Ill.) \$63,156, doctors.

Jack Fields (Rep., R-Texas) \$62,600, doctors.

Rick Santorum (Rep., R-Pa.) \$62,035, doctors.

Richard Neal (Rep., D-Mass.) \$60,899, insurance.

Rick Boucher (Rep., D-Va.) \$60,500, pharmaceuticals.

Richard Lehman (Rep., D-Calif.) \$59,300, doctors.

Al Swift (Rep., D-Wash.) \$58,800, insurance.

Edolphus Towns (Rep., D-N.Y.) \$57,101, doctors.

Gerald Solomon (Rep., R-N.Y.) \$55,110, insurance.

W.J. "Billy" Tauzin (Rep., D-La.) \$54,391, insurance.

Carlos Moorhead (Rep., R-Calif.) \$53,750, doctors.

Joe Barton (Rep., R-Texas) \$52,900, doctors.

Ron Wyden (Rep., D-Ore.) \$52,575, doctors.

Michael Oxley (Rep., R-Ohio) \$52,050, doctors.

Cardiss Collins (Rep., D-Ill.) \$51,475, insurance.

Daniel Schaefer (Rep., R-Colo.) \$48,325, insurance.

Thomas Foley (Rep., D-Wash.) \$48,300, doctors.

Philip Sharp (Rep., D-Ind.) \$47,915, doctors.

Amo Houghton (Rep., R-N.Y.) \$47,700, medical equipment

William Coyne (Rep., D-Pa.) \$47,482, doctors.

Jim McDermott (Rep., D-Wash.) \$46,200, doctors.
 John Kyl (Rep., R-Ariz.) \$44,175, doctors.
 John Lewis (Rep., D-Ga.) \$44,129, doctors.
 Fred Upton (Rep., R-Mich.) \$38,750, doctors.
 Gerald Kleczka (Rep., D-Wis.) \$38,360, doctors.

Patrick Leahy (Sen., D-Vt.) \$35,550, lobbyists.
 John Rockefeller IV (Sen., D-W.Va.) \$34,900, doctors.
 Tom Delay (Rep., R-Texas) \$34,350, doctors.
 Mike Kopetski (Rep., D-Ore.) \$33,850, doctors.

Lewis Payne (Rep., D-Va.) \$33,850, doctors.
 Wally Herger (Rep., R-Calif.) \$31,975, doctors.
 Mel Reynolds (Rep., D-Ill.) \$30,525, doctors.
 Edward Markey (Rep., D-Mass.) \$27,750, lobbyists.

Donald Riegle (Sen., D-Mich.) \$26,887, insurance.
 Daniel Moynihan (Sen., D-N.Y.) \$26,265, lobbyists.
 Mel Hancock (Rep., R-Mo.) \$23,850, doctors.
 John Chafee (Sen., R-R.I.) \$18,150, pharmaceuticals.

Harold Ford (Rep., D-Tenn.) \$16,450, doctors.
 Jeff Bingaman (Sen., R-N.M.) \$15,669, doctors.
 William Jefferson (Rep., D-La.) \$14,950, doctors.
 Craig Washington (Rep., D-Texas) \$14,800, doctors.

Jim Cooper (Rep., D-Tenn.) \$14,743, doctors.
 The dollar amounts are based on a computer analysis of nearly 2 million Federal Election Commission records of contributions from individuals and political action committees for the 1989/90 and 1991/92 election cycles. The National Library on Money and Politics provided a list of 280 PACs that have a prime interest in health care issues. U.S. News identified individual contributors in health-related occupations.

Key members were identified as those in leadership positions or with seats on the following committees: Senate Finance, Senate Labor and Human Resources, House Ways and Means, House Energy and Commerce. These are the key panels that will debate the elements of the Clinton administration's health care reform package when it is presented next month.

Putting their money where the votes are—Health care interest groups pumped \$41.4 million into campaign coffers in 1992. Those with the deepest pockets:

DOCTORS

1992 campaign contributions \$16.4 million.
 Change 1990-92 +45%

Largest PAC contributors

American Medical Association, American Dental Association, and American Academy of Ophthalmology.

INSURANCE

1992 campaign contributions \$7.3 million.
 Change 1990-92 +10%

Largest PAC contributors

National Assn. of Life Underwriters, American Council of Life Insurance and AFLAC Inc.

PHARMACEUTICALS

1992 campaign contributions \$4.0 million.
 Change 1990-92 +27%

Largest PAC contributors

Eli Lilly & Co. Pfizer Inc. and Schering-Plough Corp.

OTHER PROVIDERS

1992 campaign contributions \$2.9 million.

Change 1990-92 +48%.
Largest PAC contributors
 American Chiropractic Assn. American Nurses' Assn. and American Physical Therapy Assn.

Class and amount	Candidate
D—\$569,605	George Bush
D—210,553	William Jefferson Clinton
H—16,250	George Bush
H—10,450	William Jefferson Clinton
I—31,450	George Bush
I—8,950	William Jefferson Clinton
L—43,434	George Bush
L—81,837	William Jefferson Clinton
M—2,000	George Bush
M—27,956	William Jefferson Clinton
N—2,000	George Bush
N—5,250	William Jefferson Clinton
OM—18,500	George Bush
OM—1,750	William Jefferson Clinton
OP—11,450	George Bush
OP—21,700	William Jefferson Clinton
P—38,375	George Bush
P—5,700	William Jefferson Clinton
X—6,250	George Bush
X—1,250	William Jefferson Clinton

Source of individual contributions:
 D=doctors
 H=hospitals
 I=health insurance cos.
 L=lobbying firms with major health care clients
 M=Mental health professionals
 OM="other medical"—medical supplies, services, etc.
 P=other providers (nurses, therapists, etc)
 X=pharmaceutical cos.
 HMOs

Amount and Committee name	Candidate
\$8,937—California Medical Political Action Committee.	George Bush
5,000—Smithkline Beecham Political Action Committee.	George Bush
1,000—Smithkline Beecham Political Action Committee.	George Bush
500—Smithkline Beecham Political Action Committee.	George Bush
100—Smithkline Beecham Political Action Committee.	George Bush
1,000—Hospital Corporation of America Political.	George Bush
100—Hospital Corporation of America Political.	George Bush
1,000—Florida Health Political Action Committee.	George Bush
100—Florida Health Political Action Committee.	George Bush
8,937—California Medical Political Action Committee.	William Jefferson Clinton
500—Washington Psychiatric Society Political.	William Jefferson Clinton
500—Washington Psychiatric Society Political.	William Jefferson Clinton

[From the Washington Post, Mar. 19, 1993]

MEDICAL PACS GROW IN SCOPE CONTRIBUTIONS, LOBBYING RISE

(By Charles R. Babcock)

For years, Loyd R. Wagner, a pathologist from Sioux Falls, S.D., occasionally lobbied his home-state members of Congress. But he never got involved in raising money for political campaigns until last August, when he and his colleagues decided that, with health care overhaul on the horizon, pathology "might get lost" on the agenda of lobbying giants like the American Medical Association.

The new political action committee (PAC) of the College of American Pathologists, which Wagner now heads, quickly raised and doled out \$52,500 to congressional candidates.

The pathologists are not alone. As a group, 199 health care PACs gave nearly \$15 million to congressional candidates in 1991-92—up 26 percent from two years earlier—according to an analysis by the Center for Responsive Politics. Overall, PAC donations went up about 19 percent.

The number of new PACs in the field grew by 28 percent. In addition to the pathologists, anesthesiologists and plastic surgeons also formed their own PACs. "We can't always count on our very limited points of

view being represented by the AMA," said Dennis Lynch, a plastic surgeon from Temple, Tex.

The plastic surgeons PAC gave \$85,700 in the last election cycle; the new anesthesiologists PAC gave \$112,450.

The AMA PAC, representing 270,000 physicians nationwide, led the industry with \$2.9 million in direct donations to candidates and another \$1 million in "independent expenditures." This independent spending was on behalf of six House incumbents and Sen. Bob Packwood (R-Ore.), all of whom faced close races. One of the House members lost.

The new PAC giving illustrates the many voices vying to be heard in Washington as the medical groups and companies, beginning during the presidential campaign, have prepared for health care overhaul. Clinton's overhaul package is scheduled for release this summer.

"That's the way the system is supposed to work," Thomas Mann, an expert on Congress at the Brookings Institution, said in an interview yesterday. "Health care reform has been in the air ever since the Wofford race in 1991 [when Sen. Harris Wofford (D-Pa.) used the health care issue to win a comeback victory]. Groups knew that if Clinton were elected there would be a serious effort to radically restructure the industry. A whole lot of livelihoods are caught up in this."

In addition to the new physician PACs, two home care companies also entered the fray and started sizable new PACs. Invacare Corp. of Elyria, Ohio, a maker of wheelchairs and other medical equipment, gave \$50,150. T2 Medical Inc., of Alpharetta, Ga., a leading player in the controversial "home infusion" industry—which provides intravenous drug and feeding services to patients after their release from hospitals—gave \$32,500.

In all, about 44 health care PACs that previously had given nothing or did not exist, gave donations in 1991-92. At least 10 additional new health care-related PACs have been registered with the Federal Election Commission since the election last November.

The new PAC activity also comes at a time when the Senate is starting consideration of a Clinton proposal to squeeze PAC and other special-interest money out of the federal election system.

"The larger point is something basic in democracy," Mann said. "When you have a large, powerful government threatening to do something, people will organize to petition it to see that the proposed restructuring does them more good than harm."

Larry Sabato, a University of Virginia professor who has written extensively about PACs, said the growth and increased activity of health care PACs was significant, but not surprising. "The whole history of the PAC movement is that whenever an issue is on the front burner, additional PACs are formed, sometimes dozens of them," he said.

Some larger health care PACs increased their giving dramatically. These included PACs run by chiropractors, up 270 percent to \$641,746, emergency physicians, up 154 percent to \$330,725, and Syntex Inc., a drug company, up 439 percent to \$121,644.

Health care PACs are not the only source of money in the reform debate. Some of the \$9.7 million that 150 insurance company PACs gave—up 8 percent—was connected to this debate. It is difficult to break out how much because many companies sell health, life and other products. Others, such as American Family Corp., the leading seller of cancer insurance, concentrate on health. Its PAC gave \$503,000 in 1991-92.

Individuals and companies identified as part of the health care industry gave another \$3.4 million in corporate and personal checks to "soft money" accounts of the national parties, according to Josh Goldstein, who tracks those donations for the Center for Responsive Politics. The largest giver was U.S. Surgical Corp., a maker of surgical instruments, which gave \$240,200 in corporate funds, most of it to the Republican Party.

Soft money cannot be given directly to candidates, but it can be used for activities, such as "get out the vote" drives, that help both state and federal candidates.

Pathologist Wagner and his group of 13,500 specialists concentrated their Washington lobbying effort for years on a grass-roots program of bringing doctors to town when needed, he said. "We basically had a reluctance to just send money after the political process," he said.

Another pathologist official noted that with health care overall on the front burner—and some members of Congress no longer willing to speak to the group since the ban on honoraria—"the members felt they needed one more tool in their bag of tricks."

The American Society of Plastic & Reconstructive Surgeons, which has about 5,000 members, started its PAC—called PLASTYPAC—in late 1990 because of concerns over the quality control of clinical laboratories, according to Lynch. "It was a way to get access to congressional folks and to stimulate our membership to get involved in federal and state politics," he said.

PLASTYPAC's donations are rarely more than \$1,000, Lynch noted. "I know that doesn't buy you much in Washington," he said, "But it does get the attention of the congressional folks, who are willing to let us in and hear our point of view."

Adrienne Lang, director of government affairs for the American Society of Anesthesiologists, said her 30,000-member group's decision to form a PAC in October 1991 was triggered by fear.

"Physicians are now concerned about the unknown," she said. "This specialty always has been targeted for cuts in the federal budget [for Medicare reimbursement rates]. And with the great fear—What the hell is going to happen in health care reform?—now is the time to be active if you're ever going to be."

Roger Litwiller, a Roanoke anesthesiologist who is chairman of the PAC, added: "There had been a sense among our members for a number of years that we needed to become more politically active in Washington." The PAC is "complementary" to the AMA's, and was formed because of the "constant battle we fought with Congress over what we considered a fair reimbursement for our services."

Letwiller said he was pleased but not satisfied that more than 8 percent of his group's members made contributions to the PAC in its first year. "That says that more than 90 percent of my colleagues don't understand the political process affects the way we practice medicine," he said.

CONTRIBUTIONS BY HEALTH-CARE POLITICAL ACTION COMMITTEES

(Top contributors)

Organization	1989-90 Total	1991-92 Total	Percent change
1. American Medical Association	\$2,375,537	\$2,936,086	24
2. American Dental Association	817,428	1,420,958	74
3. American Acad. of Ophthalmology	960,411	801,527	-17
4. American Chiropractic Association	173,350	641,746	270

CONTRIBUTIONS BY HEALTH-CARE POLITICAL ACTION COMMITTEES—Continued

(Top contributors)

Organization	1989-90 Total	1991-92 Total	Percent change
5. American Hospital Association	502,689	505,888	1
6. American Podiatry Association	256,750	401,000	56
7. American Optometric Association	329,600	398,366	21
8. American Health Care Association	262,880	382,019	45
9. American College of Emergency Physicians	130,340	330,725	154
10. American Nurses Association	289,860	306,519	6
11. Association for the Advancement of Psychology	167,783	273,743	63
12. American Physical Therapy Assoc.	149,750	198,941	33
13. Eli Lilly & Co.	175,740	195,530	11
14. Pfizer Inc.	137,300	188,100	37
15. Schering-Plough Corp.	126,434	186,050	47
16. Federation of American Health Systems	174,350	180,350	3
17. Glaxo Inc.	105,850	175,522	66
18. Corporation for the Advancement of Psychiatry	116,426	165,980	43
19. American Association of Oral & Maxillofacial Surgery	105,000	163,000	55
20. Abbott Laboratories	168,950	157,075	-7

Source: Center for Responsive Politics.

Top recipients of health-care PAC money

Name (party-state)	Amount
Senate:	
1. Bob Packwood (R-Ore.)	\$192,400
2. Thomas A. Daschle (D-S.D.)	173,749
3. John McCain (R-Ariz.)	160,883
4. Charles E. Grassley (R-Iowa)	144,412
5. Rod Chandler* (R-Wash.)	143,400
6. Christopher J. Dodd (D-Conn.)	128,742
7. Dan Coats (R-Ind.)	124,550
8. Dianne Feinstein (D-Calif.)	114,819
9. Arlen Specter (R-Pa.)	113,868
10. Christopher S. Bond (R-Mo.)	110,238
House:	
1. Henry A. Waxman (D-Calif.)	\$152,600
2. Fortney "Pete" Stark (D-Calif.)	151,751
3. Richard A. Gephardt (D-Mo.)	134,300
4. Gerry Sikorski* (D-Minn.)	104,460
5. Dan Rostenkowski (D-Ill.)	91,850
6. Sander M. Levin (D-Mich.)	90,347
7. Vic Fazio (D-Calif.)	85,055
8. Steny H. Hoyer (D-Md.)	83,874
9. Bill Richardson (D-N.M.)	82,682
10. Thomas J. Bliley Jr. (R-Va.)	81,450

*No longer in Congress.

Mr. FORD. Madam President, I ask unanimous consent that a vote on or in relation to the Wellstone amendment 370, as modified, occur at 3 p.m. today, with no intervening action or debate; that no second-degree amendment be in order thereto.

The PRESIDING OFFICER. Without objection, that will be the order.

Mr. FORD. I thank the Chair.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I did not come to the floor to speak to the amendment of my colleague from Minnesota, although he was kind enough to recognize me on the floor. He is right. We do agree on some things, but we probably disagree on many other things. I know in Minnesota it is simply different. I will have to be very blunt about this.

When it comes to campaign reform, I do not support his position, and the reason I do not—although I am from a mining State—is that I do not believe campaigning and politics ought to be about mining taxpayers. And the bottom line of the reform that we have on the floor of the U.S. Senate today has one premise: public financing.

The last time I checked, we were trying to cut the burden on American taxpayers, while making an honest, fair, and balanced approach to campaigning, which the American people can say was forthright, fair, and allowed entry of those citizens who wished to seek public service. I suggest that the best way not to do that, or to ultimately stagnate or, shall I say, create an entirely different system that the American people are not aware of, is to create a major thrust in public financing.

I will suggest that I am from a mining State, but this is not what I believe is the right form of mining, and that is mining the American taxpayer. And, bottom line, that is what this kind of campaign reform is all about.

Mr. WELLSTONE. Madam President, I yield the floor to the Senator from Kentucky, if he wishes. We will have a full debate on public financing. That was not really the major import of this amendment.

We will have a debate later on the import of this amendment. I remind my friend from Idaho, again, that the import of this amendment is that if we are serious about eliminating the big money out of politics, if we are serious about reform, if we want to justify the assurance that there are not some people that count more than other people, I believe we ought to drastically reduce the limit on voluntary contributions.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Madam President, I ask unanimous consent that the time for the recess might be extended for 2 minutes so I might make remarks about the pending amendment.

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

Mr. BOREN. Madam President, I certainly again want to compliment our colleague for his commitment to campaign finance reform and his efforts to try to squeeze special-interest influence out of the process.

I, regrettably, must oppose the pending amendment. Crafting legislation of this kind requires a careful balance. It requires a consideration of the points of view of all of our colleagues, and I think here we have struck the proper balance in our bill. We have greatly reduced—in fact, virtually done away with—the influence of political action committees and special interests.

We do provide a partial provision for public resources as incentive to accept spending limits that reduce the burden on individual candidates to go out and raise large sums of money, taking

them away from their duties here, having their time spent on raising money instead of performing their duties in dealing with the problems facing the country.

The Wellstone amendment would reduce the individual contribution limit that an individual would contribute from \$1,000 per election, to \$100 in an election cycle.

I point out, it is provided that the public funding regime be in place to provide significant public funding to candidates in primary and runoff elections, as well as general elections.

I do not think it is reasonable to believe that we are going to be able to move that far. There is such a thing as loving a bill to death, as we used to say when I was a member of the Oklahoma Legislature. That means loading it down with provisions that might seem good in and of themselves, but each time a provision is added on, you lose a few more votes for the bill.

It is important that we pass a bill that is as strong as we can possibly get it. I am worried that this will overload the boat, because I do not think we are having a very strong debate now about even modest resources for the general election.

I think pushing those resources back into the primary and runoff, as well, will just not be doable in the current political atmosphere, and that we could jeopardize a major step toward meaningful campaign finance reform if this amendment were passed.

I also point out that under current law, contributions of \$50 or less are not itemized and fully disclosed, at least as a requirement of law. We could ironically end up with more nondisclosed contributions than under the current law with the time involved. All of us want to encourage the raising of small in-State contributions. I think to rule this out, especially for new candidates who need seed money—they do not have computer banks with thousands of names and addresses that they can use; those computer banks cost money and take time to build up. But particularly for new people breaking into the process, to say they cannot begin to start out with a few contributions of at least a few thousand dollars or less to help them get started, to help them get computerized mailing lists, and other things that it takes in order to try to reach small contributions, I think would be difficult.

With all due respect, while I am sympathetic with the basic purpose of this, and it is to reduce the influence of those who happen to have large resources in campaigns, I do think there are disadvantages we have here we should seriously consider.

My fear is, if the amendment is adopted, it would be used as an excuse by some to vote against the entire bill.

I urge my colleagues to oppose the Wellstone amendment, vote against it,

as well meaning as it might be. It pains me to have to differ with my colleague because, as I said, on most of the issues involved with campaign finance reform, he is on the side of the angels. He wants to do the right thing, and the proposals he made have certainly been proposals aimed at improving this system.

So it is with reluctance that I must oppose the pending Wellstone amendment.

Mr. WELLSTONE. Madam President, I ask unanimous consent for 2 minutes to respond to our colleague, and I know we will have another hour after lunch.

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

The Senator from Minnesota is recognized for 2 minutes.

Mr. WELLSTONE. Madam President, I thank the Senator from Oklahoma. I think he made a very constructive suggestion. I think we can have disclosure for smaller contributions, and that is what we should do if this amendment is adopted.

The second point that I want to make is, as far as the primary is concerned, I really believe—and I say this very seriously to my colleague from Oklahoma—that we are vulnerable on this question. Because it looks as if incumbents who want to make sure that, when it comes to the primary, if you want to give challengers a chance, unless they are wealthy, or unless they are connected to big bucks, the only way you are going to do it is if you have some system of public financing apply to those primaries.

It seems to me, efforts on the part of an incumbent to say: No, we do not apply this to primaries, primaries narrow the choice down to two candidates; I feel very strongly there is, if you will, a principle of democracy and we ought to apply this to primaries, as well.

I know we are running out of time. I say again to my colleague from Oklahoma, this amendment is within the context of public financing applied to both general and primary. Right now, for someone going through this who is new to politics, it is impossible for someone to run for office, much less win. Most people do not even want to do it, unless we can move away from this horrible money chasing, going after all this big money, which is so distasteful, and move toward the major changes.

That is what this amendment tends to do.

RECESS UNTIL 2:15 P.M. TODAY

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived and passed, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to

order by the Presiding Officer [Mr. CONRAD].

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to address the Senate as if in morning business.

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

THE NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. BAUCUS. Mr. President, I rise today to underscore the need for strong environment and labor side agreements to the proposed North American Free-Trade Agreement.

As you may know, United States, Canadian, and Mexican negotiators met last week in Ottawa to begin discussing the most crucial part of the proposed environment and labor side agreements—the dispute settlement process.

The U.S. negotiators proposed a mechanism that would allow trade sanctions to be used at the end of the day if one of the NAFTA countries failed to enforce its environment or worker rights laws. I applaud the Clinton administration for adopting this approach.

However, it appears this important round of negotiations did not go very well. Canada and Mexico are balking at the prospect of using trade sanctions to enforce these laws. They think that this type of enforcement is too adversarial.

Like the Clinton administration, I do not see it that way. And I am confident that most of the U.S. Congress does not see it that way. Instead, most of the Congress views the Clinton approach as tough, but fair.

Let me explain why. Right now, Mexico, the United States, and Canada all have good, solid environmental and worker rights statutes. But Mexico does not enforce its laws. And apparently, there is no incentive for them to do so at the moment. A recent General Accounting Office study found that of eight United States-owned maquiladora operations reviewed, six of them failed to meet Mexican environmental standards.

This lack of enforcement is not only detrimental to the health and well-being of Mexicans and Americans who live along the border region, but it constitutes a trade advantage for Mexico.

So, if we want to ensure that NAFTA benefits the economies and workers of all three countries, as well as the environment we all share, we need to give Mexico—and the United States and Canada—the incentive to enforce their laws. And since these are side agreements to a trade agreement, that means using trade sanctions.

Just for the record, Mr. President, I hope we never need to use trade sanctions. Never. To use trade sanctions

would be to fail in our effort to ensure adequate enforcement. Make no mistake—sanctions are not the goal. The goal is to uphold environment and worker rights laws.

I will be the first one to cheer if the dispute settlement process we are proposing gathers dust. I hope that every dispute can be resolved amicably and without formality.

Over the weekend, Canada's top negotiator, John Weekes, said that he would like the dispute settlement to be more cooperative. So would I. But we need a formal process—with recourse—in case countries are not cooperative. Because if any one country is not cooperative, it hurts all three countries.

And last, let me remind Canada and Mexico of something. Without trade sanctions as a last resort, NAFTA is not in this country's best interest. And polls show that most Members of Congress will not vote for a NAFTA that does not include side agreements with teeth. Simply put: No teeth, no NAFTA. The threat of sanctions is a necessary deterrent.

I certainly hope Canada and Mexico come around on this issue. Because I would like to be able to vote for NAFTA. By cutting Mexico's 10 percent average tariffs and opening its services and investment markets to United States companies, NAFTA has the potential to create thousands of new export-related American jobs. It has the potential to create a market with a \$6.4 trillion output, a domestic product rivaling that of Western and Eastern Europe combined.

But I cannot vote for NAFTA unless it not only betters our economic future, but ensures good working standards and clean air and water across the continent. And these benefits can only be assured through tough but fair side agreements.

I yield the floor.

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

PROFOUND DISAPPOINTMENT

Mr. DECONCINI. Mr. President, I am taking the floor today to express my profound disappointment over the decisions made this weekend by the United States, along with Russia, Great Britain, France, and Spain, in regard to the future of Bosnia and Herzegovina.

In 1975, the leaders of the United States, Canada, and all of Europe signed the Helsinki Final Act of the CSCE, which enunciated important principles which were to govern European affairs. Among them were principles regarding respect for human rights, the territorial integrity of states, obligations under international law and, above all, the notion of nonuse of force to settle differences. Fifteen years later, triumphantly celebrating the end of the cold war, the

leaders of these Helsinki/CSCE-signatories affirmed that "Europe is liberating itself from the legacy of the past * * * Ours is a time for fulfilling the hopes and expectations our peoples have cherished for decades: steadfast commitment to democracy based on human rights and fundamental freedoms; prosperity through economic liberty and social justice; and equal security for all our countries. * * * The ten principles of the Final Act will guide us towards this ambitious future." Last year, the leaders again assembled, again in Helsinki, and reaffirmed these principles as "the collective conscience of our community." They even went as far as to state that "security is indivisible. No state in our CSCE community will strengthen its security at the expense of the security of other states. This is a resolute message to states which resort to the threat or use of force to achieve their objectives in flagrant violation of CSCE commitments."

During the year since the Bosnian war began, the international community's failure to respond effectively and decisively to the conflict has called into question the integrity of the commitment of the CSCE states to ensure respect for these CSCE principles. The decision taken this past weekend was, in my view, tantamount to a repudiation of the principle that force is an unacceptable means for addressing political ends. It seems as if Europe is giving in to the principle that might makes right in the interest of political expediency.

The Vance-Owen plan, for Bosnia and Herzegovina, in my view, was bad enough in rewarding the Bosnian Serb militants for their aggression, but this weekend's agreement does not even attempt to honor this limited plan that was proposed and accepted by everyone except the Serb militants in Bosnia. Instead, the unwanted Bosnians—mostly Muslims of Slavic background—are to be herded into so-called safe havens, although the United States will make no commitment even to ensure their safety, only to the safety of the international peacekeepers surrounding them. That is not much of a commitment or an encouragement for safety.

Serbian President Milosevic at one point—the same time, by the way, that multilateral intervention and the use of limited force was being most seriously considered by the United States—stated that he was going to stop supplying and supporting the Bosnian Serb militants, and that the international community should help police the borders to that end. Does this weekend's deal do anything to make this a reality, now that Mr. Milosevic is moving away from the idea of stopping the flow from Serbia into Bosnia and supporting the Serbs? The answer is clearly "No." Serb forces will remain well stocked as they con-

tinue their bombardment of Sarajevo and other villages and towns. Even more tragically, Bosnia and Herzegovina will remain crippled by an arms embargo imposed by the same United Nations that makes self defense a legitimate right for its member states.

I, for one, am deeply ashamed that the international community has backed down. In so doing, it has essentially delivered territory of a sovereign nation to the forces of aggression and genocide. It has sold out the victims of this genocidal conflict, and, let them be assured that they will not be the last ones to be murdered in this manner. This, I believe, can only have the most dire consequences for peace, security, and justice in our world.

President Clinton noted that at least we're together again, referring to the United States and Europe. The need for a multilateral approach is certainly something I do not question. But what about being together, as we were in Helsinki, Paris, and again early last year in Helsinki, in agreeing to uphold the noble CSCE principles governing European affairs? Where is that commitment today? And what about the Bosnian Government? Are we together with what we consider the only legitimate authority in Bosnia and Herzegovina? Bosnian President Izetbegovic has bitterly rejected this latest plan as totally unacceptable in that it rewards genocide, and indeed it does reward genocide, while Bosnian Serb militant leader Karadzic calls it realistic, and argues that President Clinton's decision to accept will make him a great president. The lack of resolve to stop aggression and genocide when it is occurring, as blatantly as it is just goes beyond my imagination as to how anybody can stand up and think we have done something positive as the Europeans, particularly the Russians, have said.

Yesterday, Mr. President, Paul Warnke had an excellent article in the Washington Post concerning the present job for NATO in today's Europe. He noted a recognition by NATO that following the collapse of the Soviet threat, the real risk to allied security is the serious economic, social and political difficulties, including ethnic rivalries and territorial disputes, which are faced by many countries in Central and Eastern Europe. He noted that this was sound and prescient, but, judging from the response to the Bosnian crisis, apparently not a basis for NATO action. I highly commend this article to my colleagues because he has pinpointed something of great importance. Where is NATO to provide security to these nations? Where is the conference on Security and Cooperation? Where are the Principles of the Helsinki Final Act that all these nations, 53 of them now, have subscribed to CSCE and, yet, genocide in the worst way since the

1930's and 1940's is taking place right in front of our eyes.

What is comes to is that we have failed. We have truly failed here as a Nation and as a community of nations. The Europeans have failed to remember just 50 years ago what happened in Europe. The Russians have failed to remember what happened in their country by one, the Germans; second, by their own leader, Mr. Stalin. And we are just going to pass this along and permit the Serbian militants, with the support of Slobodan Milosevic, the President of Serbia, to continue to arm them, to continue to provide them with weapons so that they can kill and murder and commit genocide in Bosnia and Herzegovina uninterrupted.

Mr. President, we cannot do this as a Nation and as a people and as a community in cooperation with Europe. I cannot believe that today is where we are in this very vital subject matter. And I pray—literally pray—that somebody will become more dedicated to bring about the collective wisdom to take some actions at least to lift the embargo against Bosnia and Herzegovina. So as one Senator said sometime ago—I believe it was the Senator from Delaware [Mr. BIDEN]—that if they are going to die at least let it be in defense of their villages and farms and land and with some dignity.

Quite frankly, I think if they had a level playing ground, they could even that fight that is going on there and perhaps bring this to a close.

The United States, under President Clinton, has offered some proposals that have been turned down such as using limited force and taking off the embargo so that they can be equipped militarily to fight back, and that has fallen on deaf ears.

Something has to happen more than just speeches, I know. Having been there four times, as I have maybe you get a little too close to it, but these are people who are being murdered every day as we stand by talking about it and doing very little.

I thank the Chair and yield the floor. Mr. President, I ask unanimous consent to print in the RECORD the article by Paul Warnke which I referred to.

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

WHO NEEDS NATO? BOSNIA DOES—BUT IS THE ALLIANCE STILL RELEVANT?

(By Paul C. Warnke)

Where is NATO when we need it? A strong NATO initiative in Bosnia should not be discouraged by defeatist cries that it won't work and that the NATO allies will be dragged into a quagmire—another Vietnam. The time has come to stop running foreign policy by purported historical analogies. The choice is not between "no more Vietnams" and "no more Munichs." This is a different situation and it calls for a new approach. It calls for the North American Treaty Organization to get tough.

The slaughter and territorial annexation in the remnants of Yugoslavia have been

fuelled by the obvious conviction of the leaders of the Bosnian Serbs that no outside force will be used to end their depredations. Up to this point, nothing appeared to block their aspirations for another Serbian republic in eastern and northern Bosnia thoroughly "cleansed" of Bosnia Muslims. Indeed, at least until yesterday's announced joint action by foreign ministers of the United States, Russia, Great Britain, France and Spain, there were growing signs of tacit acceptance by Western leaders of the Serb's preferred final solution.

Yet, when NATO ministers met in Rome in November 1991, they announced that, with the end of the Soviet threat, the real risks to allied security would arise from "the serious economic, social and political difficulties, including ethnic rivalries and territorial disputes, which are faced by many countries in Central and Eastern Europe." The analysis was sound and prescient; unfortunately it appears not to have been intended as a basis for NATO action.

The meeting yesterday of U.S., European and Russian foreign ministers provides some basis for hope—though no guarantee—that collective action can be taken to end this tragedy. A failure to do so would, I believe, be extraordinarily short-sighted, inconsistent with European security and with a healthy world economy. Acceptance of the principle of ethnic homogeneity as a criterion for new statehood would set a dubious and dangerous precedent. Not only would it signal that the world community will look the other way when mini-Holocausts occur, but it could lead to the encouragement of a multitude of mini-states whose whole reason for existence would be a common religion or ethnicity. For example, the unrest and diversity in the Russian Federation could lead to additional attempted secessions and possibly to an upsurge of greater Russian nationalism.

A case can often be made for self-determination. But certain criteria should be established for recognition of a sovereign entity. These should include, at a minimum, good chances for survival, protection for the rights of minorities and an ability to provide order and the necessities for a decent standard of living. Certainly in today's mobile world, an area's ethnic or religious homogeneity cannot be scored as a plus in the quest for statehood.

There are, of course, no easy or risk-free measures that can be undertaken to end the barbarity and bloodshed in Bosnia. But the powerful industrialized democracies, and the international institutions they control, can be legitimately discredited if they stand aside and fail to make a serious effort.

Despite the suggestions that the Bosnian tragedy is the fault of everyone there and the logical culmination of ancient hatreds, there is no reason to believe that most of the Serbian, Croatian and Muslim populations are consumed by a desire to rape, torture and kill one another. As is unfortunately often the case, most of the troops and guns in what used to be Yugoslavia are under the control of thugs, who acquired positions of power during the years of Communist dictatorship.

Nor is there any real reason to believe that the thugs' zeal for ethnic cleansing will stop at the Bosnia-Herzegovina borders. If the Serbian leaders, in particular, come to believe that those who could stop them won't commit the resources needed to do so, the next military excesses may occur in the Albanian-populated enclave of Kosovo in southern Serbia, or the republic of Macedonia

where a polyglot population now appears willing to live in peace.

As French Foreign Minister Alain Juppe observed at yesterday's meeting, it is clear that everything still depends on the international community's ability to gather the means necessary to meet the responsibilities outlined in the communiqué. NATO is the one international institution with an integrated military command that can bring to bear force or the threat of force to end military conflict. As recently as last December, the NATO foreign ministers met—with France in attendance—and declared their willingness to support peacekeeping operations under the auspices of the United Nations or the Conference on Security and Cooperation in Europe (CSCE). They also agreed that NATO military authorities should be instructed to plan and prepare forces for such missions. Again, the rhetoric has not been matched by the response.

The traditional NATO reluctance to intervene "out-of-area," if it remains relevant anywhere, certainly should exercise no inhibiting effect in Bosnia. The former Yugoslavia is bounded by NATO countries to the west, the south and to the east. An expansion of the conflict into other remnants of that shattered land could even find two NATO countries, Greece and Turkey, taking opposing positions.

The disappointing reaction of our European allies to the recent attempts of Secretary of State Warren Christopher to forge a NATO consensus should not be taken as final, nor should a continued effort to bring NATO into serious engagement be feared as causing an alliance rift. It is, I believe, understandable that some of our European friends questioned whether the prescription then advanced by the United States—arming the Bosnian Muslims and attacking Serbian targets—is the best way to bring about peace. But NATO, as the primary European security instrument, can justly be called upon by the United States to come up with a military plan that its members deem more appropriate to meet the crying need for a peaceful solution.

At the foreign ministers meeting yesterday, additional steps were outlined to improve and enlarge the safe havens in Bosnia, to patrol the borders and to prevent the conflict from extending outside the borders of Bosnia-Herzegovina. The United States offered to assist in this effort, but not with ground troops. But none of this in itself is apt to scare the war lords or spare the Bosnian people. There will be no safe havens and no end to the slaughter unless and until significant military forces are introduced into the area. Only NATO can do it. A unilateral American venture is, and should be, out of the question. But the United States should press NATO to design and implement such a plan without delay. The forces would be deployed in a peace-enforcing mission, but with authority to take aggressive military action against any activity that seeks to interfere with that mission. The United States, of course, must do its part as a member of NATO. Russian participation should be encouraged.

The NATO deployment would remain while the contending factions work out whatever compromise arrangements they can all live with. Whatever the starting point, the eventual result would in all likelihood have to be a Bosnian government and military arm that reflect a Muslim majority. Bosnia-Herzegovina has, it must be remembered, received international recognition as a sovereign state, however premature that rec-

ognition may have been. If some of its Serbian and Croatian inhabitants don't like living under such a Bosnian government, there are obvious places they can go.

There can, of course, be no certainty that strong NATO intervention will do the job. But there is good reason to think that it very well might. Most bullies are cowards and the present aggressors have thus far been in a "no lose" situation. If they are faced with the fact that their continued violations of human rights and international law will cost them heavily, they could well reconsider their present policy.

Bosnia is not Vietnam; NATO intervention there would not involve misguided ideologically-driven war. Nor would it replicate the courageous Serbian guerrilla resistance to the Nazi invaders. Serbian and Croatian soldiers are not now fighting for national survival. The security and independence of their own countries is not challenged. The fighting now is about carving up another country.

If NATO fails to act on its 1991 perception of the real threats to European security, this in all probability will not lead to its death and dissolution. Western European leaders will still see it as a useful institution for keeping the United States formally engaged and making it easier for the other Europeans to live with a bigger Germany and a troubled successor to the Soviet Union that is appreciably smaller but still the biggest kid on the block.

But a strong NATO response to the present crisis would more than justify its post-Cold War existence. Lacking such a response, it will limp along, but will no longer be taken seriously as the leading instrument of international or even European security.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

I thank Senator DECONCINI from Arizona for his remarks. I know those are not just words but what he feels very deeply.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued consideration of the bill.

Mr. WELLSTONE. Mr. President, I would like to go back to the amendment I introduced and that we have been discussing. We will be voting on this at 3 o'clock so I will not take a lot of time.

I am going to start again with a few figures, Mr. President.

The average cost of a Senate campaign in 1992 was \$3.7 million, and in 1990 incumbent Senators spent on the average \$4.5 million. We are supposed to, Mr. President, as you well know, raise on the average of \$12,000 a week in order to be viable candidates. That varies with size of State. That is the average size. I would hope that is way too much for North Dakota.

But, Mr. President, I think we just have to put a stop to this money chase. One more time. I talk with colleagues—and I consider colleagues on the floor of the Senate to be friends,

agree or disagree—and every once in a while when we talk about reform, we talk about campaign finance reform or talk about good government, people kind of look at me and they say, "Paul, you know, the bread and butter issues are the economy and health care. Those are the issues that really dramatically affect lives. People are not that interested in this."

Mr. President, the political earth has just moved beneath our feet, and I think we are missing an essential truth in American politics today, which is that there is a tremendous amount of indignation and disillusionment and, unfortunately, cynicism about the political process. I think part of the reason is people really believe—I would like to make the case, which is the why of this amendment, that it is not just a perception. Unfortunately, I think it is in part a reality—people believe that big dollars, huge amounts of money given by those who have the financial wherewithal to make the big contributions, has undercut representative democracy. They feel as if they are not in the loop, that they have been cut out of the loop. And most people, again, if you talk to people in North Dakota or Minnesota in cafes and you ask people what is democracy to you, they will say political equality; each one of us should count as one and no more than one.

If that is the case, and we are talking about this money chase and we are talking about huge amounts of dollars being raised, not just PAC money—I now want to get to the other part, individual contributions—\$1,000 at a crack, \$1,000 during the primary, another \$1,000 during the general election, which is now what is in the leadership bill, it is a step forward, but I wish to say one more time that this is a loophole. This is a sieve.

What is going to happen, Mr. President, is we are going to say no more PAC money. And then that money is just going to shift. It will not be an S&L PAC; it will be some executives. They will get together and give in the primary, and another \$1,000 in the general. And what will happen? Any given lobbyist—people in Washington know how it works and people around the country know how it works. You have this lobbying coalition. They bring people together.

I have seen quotes from Senators, whose names I will not use, to the effect it is not that difficult to raise money. All you have to do is go somewhere for an hour; somebody has put together a fundraiser. Lobbyist X calls different folks. They give \$1,000. You have 100 people; \$1,000 each; \$100,000 you raise. We have not eliminated what I think is a sieve. And all of this money that once was the PAC money just gets transferred in this other direction.

By the way, at least with PAC's, with labor unions, that is the way in which

working people aggregate their money so that unions can give \$5,000 in a primary and \$5,000 in a general. They are not going to be the ones who are going to have \$1,000 to contribute. But I will tell you one thing, a whole lot of people in the United States of America, namely at the very top of the economic structure, will have that money to contribute.

You ask a person in Minnesota or a person in North Dakota—I am sorry, Mr. President; I know you are not in a position to respond to me while you are presiding, but I think it is true—most people probably say, look \$100 from me to contribute in a given primary and general election, that is about all I can contribute.

So what I am saying is if the standard is each person should count as one and no more than one, then what we ought to do in exchange for a moderate amount of public financing applied to general and primary—I think these limits on contributions should only take effect if we have that public financing, and that is going to be debated later on in a whole series of amendments—we should drastically reduce the individual contributions.

U.S. News & World Report came out with a study May 24, and I just want to point, Mr. President, to some figures here that I think are important. We are now talking about the health care industry contributions in the cycle 1990 to 1992: \$41.4 million. This is soft money. This is PAC money. This is individual contributions. In other words, let us not be abstract about this debate.

Let me take what has become a compelling issue in American politics, namely whether or not we are going to have health care reform. And as much as I do not like to make this argument, as much as it breaks my heart to make this argument, I think there is a very strong correlation between the way we finance our campaigns and the way money mixes with politics and what we will end up doing or not doing for people vis-a-vis health care. Because what this figure tells us, what this U.S. News & World Report study tells us, call it PAC money, call it soft money, call it party money, call it individual money—in this particular case we are calling it health care industry money all combined—\$41.4 million between 1990 and 1992, a good part of that money is going to candidates, going to Senators and Representatives in opposition to major health care reform.

So that when we talk about health care and whether or not we are going to have some system of universal health care coverage, and then we talk about the opposition of the insurance industry and the pharmaceutical industry, for example, we are talking about whether we have a democracy for the few or a democracy for the many.

Mr. President, I will tell you right now, that is what this debate is going

to be about over the next several weeks, whether or not we are going to have real campaign reform and whether or not we are going to get the large, big money out of politics.

Now, this amendment does not say eliminate all private money. What this amendment says is eliminate all the big money. What it says is go to a \$100 contribution per individual per cycle. I will tell you something. I think that meets the Minnesota cafe test. I think that is exactly what we ought to do. I think that is the direction we ought to go in.

Now, Mr. President, one more time I wish to make it very clear that I offer this amendment to the leadership bill in the spirit that we can do better. I am not arguing that the leadership bill is not a step forward. I understand full well what is being attempted, and I appreciate much of what is being done. But I think we have a big loophole. I would say to my colleagues that it is important for us to understand—and I may be a little bit off on this, but I believe about 65 percent of the money we raise on the average we raise from individual contributions.

Now, looking at 1990, and looking at FEC reports, contributions over \$100, 20 percent were in amounts of \$200 to \$500; 78 percent were in amounts from \$500 to \$1,000. And I will tell you something else. If, as people in Minnesota say, money talks in politics, I will bet you that early money screams in politics.

I have not done the analysis, but I will bet if you were to do an analysis, and if you could do the analysis, you would find that especially in the early stages of a campaign where Senators or Representatives—I am talking about Senators today—put together their war chest which they can then put into direct mailing, then get smaller contributions so that your average contribution does not look that large, you will find that early money especially comes in in the form of these large individual contributions. They become, Mr. President, the gatekeepers.

And I really want to make an appeal to my colleagues, Democrats and Republicans alike, if in fact we want to talk about, as the President said, putting this Capitol back in the hands of people and we want to talk about a system, as some Republican colleagues said, where in fact incumbents have no advantage, then we are going to have to not only look at and go after an attempt to eliminate PAC money, but we are going to have to deal with the individual contributions at the high income end.

And if you are going to still tell people that they can contribute, each person, up to \$2,000, you have an enormous loophole. I would predict, as much as I do not want to predict this, that everything will shift. It is like Jell-O. If you put your finger in it, it will go somewhere else. Everything is going to shift

into PAC money, into aggregations of \$1,000 contributions at these big gatherings. That will become Washington, DC, in postreform time. It will be a shift, but it will be the same issue. It will be the same big money; it will be the same big money dominating politics. It will be the same big money that too many of us are going to dig a hole into, and it will be the same big money that is going to disillusion people.

I know my colleagues, including my friend, Senator BOREN from Oklahoma, will say it is possible to "love a bill to death." And this is not just practical, but, Mr. President—I hope my good friends will permit me just the joy of saying this; I say this in the spirit of fun, and with a twinkle in my eye—beware of crackpot realism. Beware of this argument that—based upon some definition of realistic here in Washington, DC, here on the floor of the Senate—we cannot really take the steps to really eliminate this big money out of politics.

I think that is Washington realism. I do not think that is the realism in the cafes of North Dakota, or in Minnesota, or the State of Oklahoma.

I hope I will receive some good, strong support from my colleagues.

I yield the floor to the crackpot realist from the State of Oklahoma.

Mr. BOREN addressed the Chair.

THE PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, I think I have been complimented by my good friend and colleague from Minnesota. I understand what my friend is saying.

As I have said earlier, I know his heart is absolutely in the right place. We both agree: We have far too much money pouring into politics. Far too much of it is coming out of special-interest groups; far too little is coming from grassroots, from the average American. And therefore the average American has come to believe that he or she really does not have much input into the political process anymore. That is a real tragedy.

That is why for 10 years I have been working on this effort. That is why I am very pleased that as soon as the Senator from Minnesota came to the Senate, he became a very strong advocate of campaign finance reform and has been there all along.

I regret that I cannot enthusiastically feel that I can depart from realism at this point and support his amendment. I do believe there is a problem in that smaller contributions are not itemized and reported now, whereas all contributions above \$50 are itemized and reported. That is something we probably should change, regardless of what happens.

But I think also the fact that his proposal is really predicated upon the assumption that we will provide additional public funding of primary and runoff elections, as well as some incen-

tives to allow people to accept voluntary spending limits in a general election, just makes it really not something that should pass. I think it is so urgent that we get on with the business of campaign finance reform when the average Member is spending \$4 million to run—even in a small State—a successful race; when incumbents are able to raise three times as much in the Senate and five times as much in the House when running for reelection; when the PAC's are giving \$6 to incumbents for every dollar to the challengers; and when the American people have lost faith in this institution. I think it is so urgent that we pass meaningful campaign finance reform that I am hesitant—and I hope my colleague will understand—to endanger the possibility of this bill passing, a strong bill passing, which I think we do have before us. It is not a perfect bill; no bill which is the product of a coalition is a perfect bill. But I simply feel compelled to oppose the Senator's amendment and to try to be the realist here.

But again, I commend my colleague for bringing this proposal to us, and I commend him for the very genuine and strong support that he has given this cause overall. I express my appreciation to him.

So while we do not happen to agree on this particular amendment, we are certainly together on the overall goal.

So, Mr. President, regrettably, I will vote against this amendment when the roll is called. I urge my colleagues to do the same.

Mr. MCCONNELL. Mr. President, I would like to ask my friend from Minnesota a question. It could very well be that he covered this in his statement and I did not hear him.

Is the Senator from Kentucky correct that this contribution will become effective only when there is an effective law that provides significant public financing of Senate campaigns?

Mr. WELLSTONE. That is correct.

Mr. MCCONNELL. Did the Senator from Minnesota define what is significant? At what level would this kick in under the Senator's amendment?

Mr. WELLSTONE. I listed some—since we have several weeks on this bill—ways to define what significant public financing is going to mean. Instead of other amendments, I feel that we would go through that.

Mr. MCCONNELL. So it is the thought of the Senator from Minnesota that at some point subsequent in this debate, what significant is would be defined?

Mr. WELLSTONE. That is correct.

Mr. MCCONNELL. I thank the Senator.

Mr. BOREN. Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DOLE. Mr. President, since nobody is seeking recognition, I ask unanimous consent to proceed as in morning business for 2 minutes.

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

RETIREMENT OF ROSE MARY MONG

Mr. DOLE. Mr. President, I rise today to recognize Rose Mary Mong, a fellow Kansan, a dedicated member of my staff, and friend of many years. Rose Mary is retiring after over 14 years of faithful service to me, the Congress, and to Kansas.

Rose Mary began her service with then Congressman Bill Avery and later worked for him in his capacity as Governor of Kansas. She came to my Washington office in 1980 assisting in many important capacities.

In 1984, Rose Mary returned to Kansas to be closer to her family and to work in my Topeka office. For the past 9 years she has provided invaluable service to the citizens of Kansas especially the seniors to whom she dedicated much of her time and energy. One can travel the State of Kansas from border to border and find few of our senior citizens who do not know Rose Mary personally. Young and old, the people of Kansas hold Rose Mary Mong in high regard.

Rose Mary can be proud of her years of dedicated public service and of her success as a wife and a mother. I thank her for all her efforts on my behalf and wish her much happiness in her retirement and success in all her endeavors. She will be missed.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. McCONNELL. Mr. President, I asked the Senator from Minnesota a few minutes ago about his amendment, and he, I think, has clearly indicated that a vote for the Wellstone amendment appears to be—and he can respond to this—a vote in favor of yet more taxpayer funding than is in the bill at the moment.

I believe the Senator from Minnesota indicated that, later in the debate, we would find out what significant public financing means, which is what is in this amendment. My assumption is—and I say this by way of explanation to those in the Senate who may find taxpayer funding for elections offensive—that it appears to this Senator that the adoption of the Wellstone amendment does envision additional taxpayer funding of elections over and above what is in the underlying bill.

Consequently, it will be my intention to vote no on the Wellstone amendment.

I yield the floor.

Mr. DURENBERGER. Mr. President, I rise to oppose the amendment offered by my colleague from Minnesota, Senator WELLSTONE.

At the outset, I want to compliment Senator WELLSTONE for the intent behind his amendment, which is to bring an end to the perception that politics is becoming a money chase pure and simple.

I am afraid, however, that rather than ending the money chase, this amendment would have the undesirable effect of requiring candidates to spend a majority of their time on the money chase and less of their time debating the issues and educating voters. It is pretty simple math that if it takes a certain amount of time to raise money in \$1,000 increments, it will take at least 10 times as long to raise the same money in \$100 increments. That means more time and expense spent on fundraising and less spent on more enlightening parts of the campaign.

I recognize that that is not the end of the debate, however. The next question is whether there is anything inherently wrong with the current limits. The current individual contribution limit is \$1,000. Even under the most restrictive proposed spending limits for the smallest States, each contribution will amount to less than one-tenth of 1 percent of the total spending by a candidate. In the largest States, each of the contributions will be a minuscule part of the total. Given that, it is inconceivable that there is any undue influence in an individual citizen giving \$1,000 to a campaign.

It is not the case in this debate that smaller is always better. As we look at this amendment and others like it, we need to keep in mind that for all the flaws that exist in the campaigns we and our opponents currently run, there is a great potential for education and an exchange of views in campaigns. We need to encourage more. But it all requires funding.

So we must strike a balance between eliminating undue influence from campaigns while preserving the ability of candidates to disseminate information and freely communicate their ideas.

I believe the current limit of \$1,000 strikes the appropriate balance be-

tween these two considerations. The current amendment, it seems to me, does not significantly improve the credibility of Congress but creates the risk of turning us into full-time fundraising machines.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays on the \$100 contribution amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now occurs on amendment No. 370, as modified, as offered by the Senator from Minnesota [Mr. WELLSTONE]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN], the Senator from Texas [Mr. KRUEGER], and the Senator from Vermont [Mr. LEAHY] are necessarily absent.

The PRESIDING OFFICER (Mr. FORD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 13, nays 84, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—13

Bradley	Grassley	Simon
Cohen	Harkin	Wellstone
Conrad	Lautenberg	Wofford
DeConcini	McCain	
Feingold	Metzenbaum	

NAYS—84

Akaka	Dorgan	Lott
Baucus	Durenberger	Lugar
Bennett	Exon	Mack
Biden	Faircloth	Mathews
Bingaman	Feinstein	McConnell
Bond	Ford	Mikulski
Boren	Glenn	Mitchell
Boxer	Gorton	Moseley-Braun
Breaux	Graham	Moynihan
Brown	Gramm	Murkowski
Bryan	Gregg	Murray
Bumpers	Hatch	Nickles
Burns	Hatfield	Nunn
Byrd	Helms	Packwood
Campbell	Hollings	Pell
Chafee	Inouye	Pressler
Coats	Jeffords	Pryor
Cochran	Johnston	Reid
Coverdell	Kassebaum	Riegle
Craig	Kempthorne	Robb
D'Amato	Kennedy	Rockefeller
Danforth	Kerrey	Roth
Daschle	Kerry	Sarbanes
Dodd	Kohl	Sasser
Dole	Levin	Shelby
Domenici	Lieberman	Simpson

Smith Stevens Wallop
Specter Thurmond Warner

NOT VOTING—3

Heflin Krueger Leahy

So the amendment (No. 370), as modified, was rejected.

Mr. PRESSLER addressed the Chair. The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 372 TO AMENDMENT NO. 366 (Purpose: To amend the Federal Election Campaign Act of 1971 to ban activities of political action committees in Federal elections)

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. BOREN. Mr. President, will the Senator withhold his request for just a moment? Mr. President, will the Senator just allow me to make a motion to reconsider the vote on the previous amendment?

Mr. PRESSLER. Yes.
Mr. BOREN. Mr. President, I move to reconsider the vote by which the previous amendment was rejected.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. I remind the Senator from South Dakota that we have a pending amendment in the second degree.

Mr. MCCONNELL. Mr. President, it is my understanding the junior Senator from Minnesota does not object to having that laid aside to consider other amendments. Consequently, I ask unanimous consent that the Wellstone amendment and the second-degree amendment be temporarily laid aside.

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

Mr. PRESSLER. Mr. President, I have sent the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:
The Senator from South Dakota [Mr. PRESSLER], for himself, Mr. MCCONNELL, Mr. MCCAIN, and Mr. DURENBERGER, proposes an amendment numbered 372.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

The amendment is as follows:

Strike section 102, beginning on page 37, line 6, and ending on page 43, line 15, of amendment No. 366, and insert the following:

SEC. . BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Title III of Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"SEC. 324. Notwithstanding any other provision of this Act, no person other than an individual or a political committee may

make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office."

(b) DEFINITION OF POLITICAL COMMITTEE.—(1) Section 301(4) of Federal Election Campaign Act (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national, State, or district committee of a political party, including any subordinate committee thereof;

"(C) any local committee of a political party which—

"(i) receives contributions aggregating in excess of \$5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditure under paragraph (8) or (9) aggregating in excess of \$5,000 during a calendar year; or

"(iii) makes contributions or expenditures aggregating in excess of \$1,000 during a calendar year; and

"(D) any committee jointly established by a principal campaign committee and any committee described in subparagraph (B) or (C) for the purpose of conducting joint fundraising activities."

(2) Section 316(b)(2) of Federal Election Campaign Act (2 U.S.C. 416(b)(2)) is amended by striking subparagraphs (B) and (C).

(c) CANDIDATE'S COMMITTEES.—(1) Section 315(a) of Federal Election Campaign Act (2 U.S.C. 415(a)) is amended by adding at the end the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder."

(2) Section 302(e)(3) of Federal Election Campaign Act (2 U.S.C. 432(e)) is amended to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee."

(d) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period in which the limitation under section 324 of that Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a) and (b) shall not be in effect; and

(2) it shall be unlawful for any person that—

(A) is treated as a political committee by reason of paragraph (1); and

(B) is not directly or indirectly established, administered, or supported by a connected organization which is a corporation, labor organization, or trade association, to make contributions to any candidate or the candidate's authorized committee for any election aggregating in excess of \$1,000.

Mr. PRESSLER. Mr. President, this amendment, which I offer today on be-

half of myself and several others, is a very basic one that addresses an area of the present campaign financing system that greatly concerns me and my constituents. Plain and simple: It bans political action committees, PAC's, from participating in campaigns for Federal office.

Unlike the underlying bill, it bans PAC's from both House and Senate election campaigns. The underlying bill is seriously flawed, in my estimation, because it bans PAC's only from Senate campaigns. I seriously question the merit of a bill that condemns a practice for Senators but encourages it for House Members.

In the last several years, we have seen many bills in the Congress purporting to be campaign reform legislation. Simply because the media or some public interest group labels a bill "campaign reform" does not necessarily make it so. Often, the use of this term involves considerable poetic license.

My amendment prohibits PAC's from participating in campaigns for Federal office. The amendment provides that only an individual, or a candidate's committee, or a political party committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office.

PAC's would be outlawed from the business of political fundraising and contributionmaking for Federal office. I am convinced that when people say they want campaign reform, what they are saying is to get rid of PAC's. PAC's are publicly perceived to be organizations with large amounts of money ready to be lavished on candidates for Federal office in return for access and influence with those receiving the contributions. PAC's are playing an increasingly larger role in the financing of campaigns for Federal office.

Since passage of the Federal Election Campaign Act, FECA, in 1974, the number of PAC's has increased from 680 to 4,195 in 1992. PAC contributions to House and Senate candidates increased from \$12.5 million in 1974 to \$180.1 million in 1992, an increase of more than 400 percent, even accounting for inflation.

In 1974, 9 percent of winners in the House of Representatives received over half their funds from PAC's. In 1990, 55 percent of House winners received over half their funds from PAC's.

PAC contributions, as a percentage of congressional candidates' overall receipts in general elections, has steadily increased every year since 1974, starting at 15.7 percent in that year to 38.8 percent in 1990.

In 1992, PAC's contributed 24 percent of Senate campaign receipts. In 1992, PAC's contributed 38 percent of House campaign receipts. In 1992, incumbents received 79 percent of all PAC contributions, \$119,789,287 versus \$17,302,125 for challengers.

Corporate and trade association PAC's gave over 90 percent of their money to incumbents. With my amendment, all PAC's with segregated separate funds in parlance of the Federal Code maintained by unions, corporations, trade and health associations, membership organizations, cooperatives and corporations without capital stocks, savings and loans, shareholder insurance companies would no longer be able to participate in Federal elections.

Also prohibited from participating in Federal elections would be nonconnected PAC's, those not affiliated with the sponsoring organizations which are comprised of ideological and single-issue groups.

The amendment redefines political committees, and says only the campaign committee of candidates' and national, State and local political parties could make contributions, solicit or receive contributions, or spend money to influence Federal elections.

The amendment contains a provision that should a ban on PAC's be determined to be unconstitutional, then PAC contributions of \$1,000 would be allowed. This was the PAC contribution limit suggested by President Clinton during the campaign.

So, Mr. President, if the complete ban on PAC's should be deemed unconstitutional, there would then kick in a \$1,000 limit on PAC's for both House and Senate races. I might emphasize that the House and the Senate would be treated equally under this plan. If we are to conclude that PAC contributions are bad for Senators, then why are they not bad for House Members?

In the last Congress, this body passed a so-called campaign finance reform bill, S. 3, the Senate Election Ethics Act of 1991. It passed on a 56-to-42 vote. I voted for it. One of the reasons I did so was because it eliminated PAC's. Unfortunately, when it returned to the Senate after the House and Senate conferees were done with it, the PAC elimination provision was dropped. Consequently, I voted against the conference report on that bill and the subsequent unsuccessful attempt to override the President's veto of the bill.

But with the adoption of this amendment, campaigns would be put back under the total influence of the people we represent. Only individuals and the candidates' own campaign committees would be involved in the campaign fundraising system. The electorate want their elected officials to serve them, not the PAC's. The public is wary of the perceived influence generated by the large fundraising power of PAC's. Big financial contributors are suspect.

My amendment calls for us to do only that which this body did in the last Congress: Get the PAC's out of elections and back to the people, their elected representatives.

My amendment would improve the underlying bill dramatically. Simply banning PAC's in Senate campaigns falls way short of being even good enough. It is outright hypocrisy. Acknowledging the undue influence of PAC's by banning them in Senate campaigns but letting them operate in House campaigns creates a blatant double standard. If PAC's are deserving of banishment in the Senate, then surely they are in the House whose Members rely on their contributions far more than do Senators. Let us give the American people the action they want, a complete and total PAC ban.

We have been on this issue for a long time now. My colleague, Senator MCCONNELL, has been one of the great leaders on this issue over the years on this side of the aisle. I thank him for his assistance in developing this amendment.

I hope my Senate colleagues will support elimination of political action committees, vote for this amendment and put a major campaign reform abuse behind us.

So in conclusion, Mr. President, let me say that I am very eager to join in campaign reform. I am not eager to join in simple a partisan go around, merry-go-round.

Now, if we have a bill that suggests banning PAC's in the Senate, why would they not also be banned in the House where they are used even more. The logic does not make sense.

What is happening is that the majority in the House of Representatives is writing a bill that will protect their incumbents because that is how they raise most of their money. That is not campaign reform. The press should not report it as such. No one should. If we are going to ban PAC's in the Senate, as my friend from Oklahoma has provided the amendment or the provision in this bill, why would they not also be banned in the House? Why is the logic different from the Senate and the House?

Mr. President, I am available to answer any questions from my colleagues on the details of this amendment. I thank my cosponsors, and I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The junior Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I commend the senior Senator from South Dakota for his amendment and rise in support of the amendment.

Senator PRESSLER should be commended for putting people first by putting PAC's completely out of business in congressional elections. When President Clinton unveiled his campaign finance plan, it was immediately evident that he had broken yet another campaign pledge, his promise to limit PAC's to \$1,000, and had caved in to the

House by leaving the PAC contribution limit in the House at \$5,000. And for no good reason, other than political expediency, he proposed a different PAC contribution limit for Senate candidates, \$2,500, and a \$1,000 PAC limit for Presidential campaigns. It makes no sense at all, none. If we are going to have a multitiered PAC contribution limit, President Clinton had it backwards; the Presidential limit should be higher than the Senate, which should be higher than the House. That way the limit as a proportion of campaign spending is more comparable.

If the aim of reducing PAC limits is to reduce the influence of special interests, it makes no sense to have House limits twice as large as Senate limits when Senate campaign expenditures are typically six or more times a large as House campaign expenditures.

Senator PRESSLER's amendment is common sense. The substitute amendment balkanizes the House and Senate. If the PAC contributions to Senate campaigns are to be banned, then they ought to be banned from the House as well. Senator PRESSLER's amendment does precisely that.

Mr. President, as we all know so well, incumbents are PAC magnets. Challengers do not attract PAC money on a significant scale. However, political action committees are touted by their defenders as a means to allow individuals to get together and advance their collective interests in politics. Presumably, that would include supporting challengers. In 1992, in races where Members were up for reelection, incumbents received 86 percent of the PAC contributions—86 percent—\$126 million for incumbents versus \$21 million for challengers.

Mr. President, if PAC's are so democratic, with a small D, it is not reflected in their contribution patterns because incumbents certainly were not so overwhelmingly popular in 1992. Clearly, a democracy is skewed in the PAC process as inside-the-Beltway professional lobbyists advance their personal interests in getting face time with incumbents rather than advancing their PAC contributors' interests through PAC collections.

Clearly, putting people first has transformed into putting incumbents first in the House. Moreover, President Clinton put House Democrats first when he proposed his campaign finance plan. As the Wall Street Journal stated in an editorial entitled "Real Change" on April 28—and this is what the Wall Street Journal had to say:

Bowing to pressure from House Democrats he—

Meaning Clinton—
has abandoned plans to sharply rein in PAC money, 90 percent of which flows to congressional incumbents and virtually insures their reelection. From what we've seen it is a reform that is by the incumbents, for the incumbents, and benefits only incumbents.

So I wish to commend the Senator from South Dakota for his excellent amendment, and I hope that at some point later in the day it will be adopted.

Mr. President, I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. Mr. President, I intend to support the amendment of the Senator from South Dakota, but first I would like to offer a few comments about campaign reform itself. I maintain that every reform contains its own seeds of abuse. Every time we reform the system, within a matter of 5 or 10 or perhaps even 15 years, that system in turn will be required to be reformed either by modifying those provisions or by abolishing them altogether.

I would like to call the attention of my colleagues to the fact that the formation of political action committees came out of the Watergate scandal. At that time there was only one political action committee allowed and that was the Committee on Political Education. It happened to be a labor political action committee.

Republicans said, "How come it is OK for labor to have a political action committee but not for business? Why do we allow only one side of the equation to participate in this political process?"

So many of us felt way back in 1974, that we ought to have greater political participation. We felt we ought to encourage more contributory participation by way of money coming into the system, but also to get away from the large contributions.

There were great abuses where wealthy individuals could contribute unlimited amounts of money to political campaigns. We saw that system abused. We said let us stop this; let us clean it up; it is corrupt. And so let us invite small associations, people of like mind, who want to support a given philosophy or given candidate, to band together to contribute their resources into a fund, and let that political action committee then support the candidate of its choice. That was supported by Democrats and Republicans in the name of fairness.

We wanted a proliferation of political action committees, and we knew in the very beginning that we were going to attract more political action committees. That was our design. And so here we are now, almost 20 years later saying what a terrible system this is. Those inherently evil political action committees have destroyed or corrupted our system.

I must tell you, Mr. President, I do not find political action committees to be inherently evil. I find very little distinction between a company, for example, calling upon its executive officers to contribute to a fund that would contribute \$5,000 to a campaign, and the

head of the company and his wife each contributing \$2,000.

I have great difficulty drawing a moral distinction between a \$4,000 contribution of a husband and wife who control the company and a \$5,000 contribution from the executives or employees of that company contributing to a candidate.

That is the reality of the situation. And yet somehow the PAC's are now evil, and individual contributions are quite moral.

I have difficulty drawing the distinction. I think it is metaphysical at best. But apparently there are some theologians in this body and elsewhere who believe there is such a moral distinction to be drawn.

The issue is the public has come to see political action committees as being either too powerful, too many, or simply too corrupt. And if the public perception is there, then we have an obligation to try to remove that perception because appearances, in fact, do count, and the appearance of undue influence or the appearance of possible corruption is very important and we have to remove that appearance if at all possible.

But I must say this charge to remove the PAC money and the contributions is not without political motivation. After all, since we have had this proliferation of political action committees, we have found, to our dismay, that those political action committees that we thought would be supportive of a Republican philosophy no longer have that kind of allegiance.

It becomes much more pragmatic, more pernicious as such, because those PAC's that ordinarily would support conservative or moderately conservative candidates now support incumbent Democrats of an entirely different philosophy. They do so because they are afraid of political retribution. So we now have a situation where we find conservative-oriented PAC's contributing to liberal-oriented Democrats, and Republicans are upset about that.

So for some years now, we have said: Let us do away with PAC's. They are benefiting the Democratic majority, so why should we allow a system to continue that benefits the majority party? That is really the motivation that started some time ago.

So we have been pounding away and pounding away at the Democrats for this. Republicans said: Let us just minimize the amount of contributions of PAC's. Keep them involved in the process, but just reduce the amount somewhat. That will make us less corrupt, less tainted, less influenced by PAC contributions.

Then the political reality began to grow, perhaps the Democrats really were not interested in true campaign finance reform. They were being stuck to a label that we have attached to their foreheads like the mark of Cain

that they have been involved in a corrupt system.

So now they finally come forward and say: We are going to do one better than the Republicans. There are some Republicans who said let us just minimize the contributions. We are now going to finally, in a great spirit of bipartisanship, join the Republicans and offer an amendment to abolish PAC contributions. So here we are. We now have the Republican Party and the Democratic Party on track. PAC's should no longer be allowed to contribute to political campaigns.

Even though we will have a tough time drawing the distinction between heads of companies and families contributing, or calling upon all of the employees to contribute individually, perhaps there is nevertheless a clear-cut distinction.

I think the Senator from South Dakota is quite right. We cannot have one rule for the Senate and another rule for the House of Representatives. I cannot accept the argument that somehow these two institutions—which are only a few hundred feet away from each other down this corridor—are that different. I cannot accept that somehow that House is different from this House in terms of its image, and that somehow they should be treated differently because, after all, they are not as well known. Nor can I accept that they should be treated differently because they cannot go into other States to raise money and, therefore, we should allow PAC contributions to flow through their coffers.

That is an argument that cannot be sustained on any intellectual or honest basis.

So, Mr. President, if we are going to abolish PAC's, and apparently we have now the bipartisan spirit to do so, then we have to go the next step, the final step, insist that any campaign reform that passes this body that removes the taint of impropriety, must apply equally to the House of Representatives.

This is not a matter of trying to meddle in the internal workings of the House. They do have different rules of procedure. They do have different rules, perhaps, that they have to abide by internally. But what we are talking about—the connection between collecting funds and the voting—that is precisely the same for the House as it is for the Senate. And any rule that we adopt here has to be adopted by the House.

So I am going to join my colleague from South Dakota. I think it is not only an appropriate amendment; I think it is a mandatory amendment. We have to apply the same rules to both Houses because we function as the Congress of the United States, and in the eyes of the public, we are one institution. Notwithstanding our internal rules of procedure, in terms of campaign spending, campaign funding, and voting, we are one and the same.

So I am going to support my colleague from South Dakota.

I yield the floor.

Mr. BOREN. Mr. President, I thank my colleagues for their comments. Let me say this is a good example of bipartisanship. I do not think we have any disagreement about this matter at all.

As my colleagues on the other side of the aisle know, for some years, going back to the first effort that I made with Senator Goldwater, I have felt that political action committees had far too much influence in the political process of this country.

Some of the statistics that have been cited by my friend from South Dakota, my colleague from Kentucky, and my colleague from Maine, I have previously cited on the floor. When PAC's are giving at a ratio of 6 to 1 to incumbents, without regard to whether they are Democrats or Republicans, because they are incumbents, because they want access, because they occupy positions of power that might be able to affect the economic interests of those political action committees, I think we can all see how this has distorted the process.

Quite frankly, I have never felt it was a matter of which political party you belonged to, how you felt about PAC's, because it really depends upon whether you are an incumbent or not. PAC's tend to favor incumbents regardless of party. Since there are now more Democratic incumbents, there tend to be more dollars going from PAC's to Democrats. If there were more Republican incumbents, my prediction is there would be more PAC dollars going to Republicans.

It is the same argument, I say to my good friends on the other side of the aisle, about spending limits. Since incumbents can outspend challengers, it does not matter whether they are Democrats or Republicans.

There have been interesting statistics in the pages of the Washington Post the last few days. We have had studies available that in fact run down all of the Senate races and House races over the last two or three election cycles, and we find absolutely no difference. There is not one percentage point of difference between whether Democrats or Republicans can raise the most money; it is a matter of whether you are an incumbent or a challenger. That is what determines who can raise the most money.

Mr. COHEN. Mr. President, If the Senator will yield, there are some notable exceptions to that general rule. I believe I was the only Senate incumbent in 1990 who was outspent by a challenger.

Mr. BOREN. The Senator is correct, Mr. President; he is the only one. I certainly accept what he just said. But, as a general rule, it is very unusual for a challenger to be able to raise as much as incumbents. In fact, had the spend-

ing limits been in place, incumbents would have an average of \$1.4 million; challengers virtually—not all—about \$30,000.

Mr. COHEN. If I could clarify a bit further, so I do not mislead the Senator from Oklahoma, my challenger was a multimillionaire who funded his own campaign.

Mr. BOREN. I understand, Mr. President. That does make a difference. It was not a matter of being able to raise as much from PAC's or other individual contributors.

I appreciate my colleague from Maine, who always tells the facts as they are. I would say, from our experience of working together, that he has never misled me on any subject. I appreciate him stating that for the record.

So let me say that I am hopeful. By the way, I say this to all of my colleagues, not just those on the other side of the aisle. I remember having some fun with Senator DOLE on this matter. At one point, I said: When did you become so opposed to PAC's?

He said: When we found out 62 percent of PAC money was going to Democrats. It did somehow affect our view.

I hope the same thing will happen on spending limits one of these days, when the Republicans again, as the morning newspaper pointed out, discover that spending limits, since they have more challengers than they have incumbents, will actually help the Republican Party probably more in the balance than it helps the Democratic Party.

This Senator hesitates to make that point, particularly at this point in time, when some of my colleagues might be suggesting I am not partisan enough on some other matters. But let me say, I do think that there is a very good point here, that we have—let me say, I do not know if my colleagues understand this, but if we will look at page 37 of the bill—I direct the attention of my colleague from South Dakota in particular to this—that under section 327 on page 37 of the leadership substitute, lines 16 and 17, we do ban political action committees from making contributions, soliciting, receiving contributions, or making expenditures for the purpose of influencing an election for Federal office.

So that means House or Senate. So the substitute that we now have before us does indeed ban PAC contributions. Or at least that is our intent, to ban PAC contributions for Members of the House of Representatives, as well as for the Senate.

I think, as to the fallback provision, that if the courts were to determine that our total ban on PAC contributions—I know the strong interest of my friend from South Dakota on the subject; it is, of course, one, as I say, on which we have had agreement—that if, indeed, that action were to be found

unconstitutional, and some have argued that we could not totally ban PAC's, the Senator provides a fallback provisions, as I understand his amendment. The fallback would apply to both the House and the Senate setting limits on PAC contributions of \$1,000.

This Senator has no problem with that. As I say, I do think we have already covered the House and the Senate both, in terms of the ban. I am not sure from the drafting that we include both under the fallback position. But I certainly see no problem with that.

Has the Senator from South Dakota sent the exact language of the amendment to the desk yet?

Mr. PRESSLER. Yes.

Mr. BOREN. Mr. President, I would like to have an opportunity at some point, before we go to final vote, just to look at the language to make sure that it is consistent with the bill.

Mr. PRESSLER. I am glad to hear my colleague is prepared to support the amendment.

For the purposes of the conference committee, I would like to have a roll-call vote, if possible.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BOREN. Mr. President, I yield the floor so I will have a chance to read the language of the amendment to make sure, from a technical point of view, that we track correctly with the bill. As a matter of principle, I have no problems with the amendment.

Mr. MCCONNELL. Mr. President, the Pressler amendment is essential, and the reason the Pressler amendment is essential is because the fallback position in the underlying bill conspicuously omits the House of Representatives. In the fallback position in the underlying bill—when I say fallback position, that is assuming the Supreme Court determined that a PAC ban is unconstitutional. In the underlying bill, it says, "In the case of a candidate for election or a nomination for election to the office of President or Vice President or to the United States Senate, the section applies by substituting \$1,000 for \$5,000."

Conspicuously absent from the underlying bill is an equal PAC treatment for the House and the Senate. So what the Senator from South Dakota has done here is guarantee that, if the Court were to rule the PAC ban unconstitutional, there would be the same treatment for the House and Senate.

So the Pressler amendment is essential if we are to treat the House and the Senate the same on the question of the acceptability of PAC contributions. The Senator from Maine has thoroughly discussed the importance of having the same rules for the House and the Senate.

So I want to commend, again, the Senator from South Dakota for his very necessary amendment.

Mr. PRESSLER. Mr. President, I think that this amendment will set the tone that we shall insist that the House and Senate be treated the same. When I came to the House in 1974, John Gardiner welcomed me to Washington. At that time, there was a spirit of reform underway, and one of those was that PAC's had just been created.

I have always been interested in reform, and I am very interested in seeing that we pass a campaign reform bill. But I think it is extremely important that the House and Senate be treated the same, that we ban PAC's in the House and Senate, and, if that is unconstitutional, that there be a \$1,000 limit in the House and Senate, as President Clinton has suggested, and that we not waver from that principle.

If that sort of spirit pervades the House and Senate, we will have campaign reform this year. But what I expect will happen is that each side will want a bill that fits its needs like a glove. The House of Representatives wants to keep labor union PAC's and teacher union PAC's and so forth, because that is how they raise most of their money. Also, they get a lot of corporate PAC money, too, I must say.

So I think this amendment is the first amendment that will really show a bipartisan spirit. If this is adopted in good spirit and adopted by the House, we will have a campaign reform bill this year that really amounts to something.

Mr. BOREN. Mr. President, I have had a chance to look over the actual wording of the amendment. Let me ask my colleague a question. I see in one instance that it is, I believe, weaker than the current bill, and it may be that this is an omission that is not intended. It may be something we can work out by seeing if our staffs can work together on the drafting of this.

Under our proposal, we ban political action committee contributions totally, as I quoted earlier, to Federal offices. So I do not think there is any question that the portion of the Senator's amendment that bans it for House and Senate—there is really no difference; it is the same as the current bill.

Where we have a difference is on the fallback position. What happens regarding the PAC ban—which we here apply to all Federal offices and the House and Senate—if the courts strike that down? What is the fallback position? Under the Senator's proposal, the fallback position is \$1,000 per PAC for both the House and Senate. This Senator has no problem with that. But we also, in our bill, provide an additional fallback. We say that the candidate may not receive more than 20 percent in the aggregate of their contributions from political action committees.

I wonder if the Senator intended to omit that, because that is an essential part of reducing PAC influence. Other-

wise, we could still be getting 50, 60, 70 percent of all of our contributions from PAC's, and you simply would be getting it \$1,000 at a time instead of \$1,000, \$2,000, \$3,000, \$4,000, or \$5,000 at a time. It seems to me that, if we want to reduce the influence of PAC's—and this is something Senator Goldwater and I found in the beginning of our deliberations—you must put a limit on the aggregate amount of PAC money that a person can take. Otherwise, you are simply allowing money to pop up in another form, and you would simply be encouraging PAC's to proliferate with a number of, say, five little ones giving \$1,000 each instead of one big one giving \$5,000. Still candidates for the House or Senate, more than half of the House and Senate Members—I am particularly sure of the House—more than half of those running for reelection last time received more than half of all of their contributions from PAC's. I do not think we would want that to happen if we had to go to a fallback position.

Mr. COHEN. Mr. President, I think the Senator makes a valid point in terms of talking about aggregates. Some of us will offer an amendment later during this rather extensive debate that would, in fact, insist that a greater percentage of funds be raised from within that candidate's own State. So we will ask for perhaps a 60-40 split; raising 60 percent of your funds from within your own State, as opposed to 40 percent out of State. It may be 70-30; we have not yet arrived at that percentage.

I assume the same philosophy will be supported by the Senator from Oklahoma when it comes time to insist on the majority of funds being raised from within the State to make sure you do not have a disproportionate percentage coming from out of State and from PAC's.

Mr. BOREN. The Senator raises a good point. We want to encourage in-State contributions from people at the grassroots. That is one of the evils of PAC's. When you have people getting their money to fund campaigns not from the people back home, but from people who have little or no contact with the State, I do not think that is a particularly wholesome thing.

What the best way to do that is, I am not sure. As the Senator knows—since he is one of those who signed the letter which was directed to me and to the majority leader and to the President and others—this is one of those items the Senator from Vermont and I have been talking about, and he relayed to me the thoughts of those Senators. We have been trying to find a way that will not have an undue partisan impact one way or another, that we can encourage in-State contributions.

So I certainly agree with the Senator as to his goal. But I wonder if he is agreeing, and I wonder if the Senator

from South Dakota would consider allowing a brief period of time where our staffs could work together to see if we could draft appropriate language to make sure that we not only have a fallback as to the \$1,000 maximum that PAC's could give, but that we also have an aggregate limit here on the amount candidates can receive from PAC's, so that we will not weaken the bill.

Having read the amendment, I could not accept the amendment if it does not also have an aggregate fallback provision, and I think there are one or two other items in here that are technical that are amendable as well, which had been mentioned by the Senator from South Dakota. I wonder if he would be willing to include an aggregate limit.

Mr. PRESSLER. Let me thank my friend and say that, first of all, I would have to consult with my cosponsors. I have no objection, personally speaking, just as a Senator, to that limitation. It could be another amendment, or, indeed, we could have a quorum call and work together with the various Senators who have cosponsored this. Our intention was to get started to lay down the ground rules on PAC's so that it would be the same for the House and the Senate. Indeed, if it is 10, 20 or 30 percent, that could be another amendment. I would have to consult my cosponsors.

Mr. BOREN. Mr. President, I would say to my colleague that perhaps that would be the best thing, or if you wished we could take a simple amendment to add a sentence or two to the current bill, because it has aggregate limits in it as a fallback it would similarly add the House of Representatives into the \$1,000 provision in the current bill. That may be the simplest way, and clean way to do it.

But I would say on the in-State out-of-State contributions this is one of those areas that I hope we might have a chance to have a little more discussion off the floor since we have been trying to reach a bipartisan consensus on that before we bring that amendment to the floor today simply, because it is a matter of one I have great sympathy.

I remember the Senator from Mississippi, the distinguished Senator, now retired, Senator Stennis, who once said that we ought to just propose that no one could make a contribution to the campaign that could not vote on the election effecting the candidate. I think in terms of support for the political parties that come in to help particular new people get started and sometimes some of the early seed contributions that might come that might be going too far.

But I certainly have very basic sympathy, we want to return the election process back to the people of grassroots. That has to be fundraising as well as voting, obviously. I hope we

have further discussion on that. That might not be one we try to go vote on soon in this process since we are discussing it. I have been going back and forth between Senator JEFFORDS and the majority leader and others to see what might be acceptable to bipartisan spirit on that.

Mr. COHEN. Mr. President, will the Senator yield?

Mr. BOREN. I yield.

Mr. COHEN. I did not intend to bring that amendment up today or tomorrow. The implications of this bill are really serious and important and deserve not 1 or 2 days but several, I would suggest, weeks of debate.

Mr. BOREN. Yes, maybe not weeks but certainly days.

Mr. COHEN. We should proceed without the notion of somehow this is filibuster on or just a ploy on the part of Republicans on the try to stall it. This is an issue that goes to the heart of the political process.

Mr. BOREN. Yes.

Mr. COHEN. There are serious substantive questions that have been addressed and we want to do so in a constructive fashion.

Frankly, when I heard some suggestion there might be a cloture motion in the next several days, I said that it would not really be appropriate in my judgment. We have a lot to discuss, and, as the Senator from Oklahoma just indicated, I have a proposal about requiring a greater proportion of campaign funds to come from in-State which is going to take a great deal of debate. I suspect this proposal will be offered along with the other four or five ingredients of reform that are important to me.

Mr. BOREN. Let me assure our colleague, and I say this to him in the utmost sincerity. What he said about this being a very serious matter, a matter of fundamental importance to function of this institution and restoration of trust in the American people in this institution is absolutely true. This Senator subscribes to that statement wholeheartedly.

Let me assure my colleague from Maine that this Senator also is not going to try to use some artificial device to push us at a speed with which we cannot thoughtfully, carefully, and hopefully in a bipartisan fashion come to conclusions about this bill.

So this Senator is not about today to drop down a cloture motion on the desk and try to shut off debate as long as we are really proceeding with sincerity.

I think my colleague from Maine and I both know it may be very hard to describe at what point debate and constructive suggestions lapse over to filibuster. But, on the other hand, I think we all know it when we see it.

What I see here is not that at all. As long as I do not see that, and I again in the spirit of honesty think my col-

league from Maine and my colleague from South Dakota who at various times have expressed support for and willingness to consider spending limits and campaign finance reform, that this Senator certainly wants to have that kind of dialog and allow that kind of input. As long as that is going on, I think we can distinguish between that and what becomes really foot-dragging. At what point in time, we will sit down and have an honest talk about whether we have reached that point yet or whether there really are legitimate, constructive proposals to be offered.

I assure my colleague we are in earnest. We tried to send that signal last year, for example, when the leadership substitute was presented. It was done and I think we were on the floor within an hour. The Senator from Kentucky said to me we really did not have a chance to look at the changes made after that bill came out of the Rules Committee.

For example, this year when the President made additional suggestions, we instead of going immediately to the floor and sort of laying down the substitute on the floor, it was the feeling of all of us we were struggling to find a way to demonstrate we were serious and sincere about wanting this to be a bipartisan process, and it was worked out in the Rules Committee to have an additional hearing, and the time for that hearing was worked out with the ranking minority member and the rest, and I am certain about that.

Mr. COHEN. Would the Senator yield a moment further? By way of example, the Senator from Minnesota offered an amendment which has been temporarily set aside which I think is going to prompt considerable debate in terms of its implications and possibly its constitutionality. A number of us have to sit down this afternoon, this evening, or perhaps even tomorrow to try to work through the various hypotheticals and to decide whether or not to try to make some kind of informed judgment as to whether it is constitutional or not. And if it is constitutional, we will have to consider whether or not it is advisable or desirable.

Mr. BOREN. Yes.

Mr. COHEN. This is the kind of amendment I know is keenly felt on the part of the Senator from Minnesota, and he may have others that he has in mind to try to improve this particular bill.

That is why I suggested it is going to take longer than perhaps anyone originally anticipated, and not because this is an attempt to delay or in any way introduce an amendment that simply is there for mischievous reasons. Rather these amendments are sincerely felt and may or may not be wise or desirable or indeed constitutional.

Mr. BOREN. I say to my colleague again, I appreciate his comment. I

agree with his comment. And, by the way, we do appreciate the input of the Senator from Maine and the Senator from Michigan, in particular, and Chair and ranking member of the subcommittee on the Governmental Operations Committee who really have become expert in the feel of lobby regulation and activity. We would value their input into this Wellstone amendment.

I know the Senator from Minnesota, the distinguished Presiding Officer, has also indicated that he wished us to take the time to have those who have expertise in this field and made a special role to have them to do that.

I say to my colleague, while I am expressing the hope that we will not rush with haste in a way that will not give full input and very careful consideration to this, let me also express the hope there will be no rush on the other side of the aisle for Senators to sign letters to pledge to filibuster this bill, for example, or in no ways will they vote for cloture on this bill because again I think it is a two-way street that is very important for us to establish.

I appreciated the letter as I know did the majority leader and the President from several Members from the other side of the aisle on this particular pending legislation. We take that in good faith at face value.

We look forward working through those issues. In fact, the Senator from Vermont and I have had several lengthy conversations—our staffs have—on seeing how we might work together a solution in each one of those areas.

I would just hope in turn for our not rushing that my colleague from Maine, my colleague from South Dakota, and others, would continue to keep an open mind about if we can indeed reach a fair proposal allowing it to come to a vote and as the majority Members of the Senate, all Members of the Senate, all 100 will have an opportunity to work their will and to send forward constructive legislation.

Mr. COHEN. Mr. President, will the Senator yield further?

Mr. BOREN. I am happy to yield further.

Mr. COHEN. One further comment. I cannot speak for the others. However, one reason I signed this particular letter is that I have been identified as one of those potential swing votes, or as a New York Times editorial called us, "swing voters." You may draw your own conclusions from the editorial.

But nonetheless one of the reasons I signed the letter was to preempt the notion that somehow I was going to be part of an obstructionist policy to prevent legislation from going forward to the House of Representatives. I felt the principles I outlined and signed in that particular letter would put everybody, including the Senator from Oklahoma, the majority leader, the minority lead-

er, and the President on notice that these were key ingredients for me. It would also indicate that I was not going to be intimidated by any editorial writers as was attempted back in 1988. That is how far back this goes, I might remind my colleague from Oklahoma.

There was a tactic undertaken by supporters of S. 2, the Senator's bill. They issued a press release that had a headline over it and a picture of Archibald Cox, a very distinguished gentleman in our country's history, to be sure, a Harvard professor, former Special Prosecutor investigating Watergate, and former head of Common Cause.

This release had a picture of Archibald Cox and a big headline that said "Senator Cohen: Stop Supporting Corruption in Washington."

I must tell you that I took great offense at that. I spent considerable time on the floor of the Senate saying, "Wait a minute. No one group can come before this country and claim that it has a corner on morality. No one group can claim that its legislative proposal is the only one that can be offered and lay claim to moral superiority."

And I felt that the way in which that argument and debate was characterized by the supporters of the Senator's legislation was not only wrong, but offensive. I thought it did a great disservice to people who were truly interested in campaign reform.

So before the allegations started to come forward that here are five people who are interested only in delaying and obstructing and filibustering, I wanted to make it very clear that I could not, and would not, and will not support campaign reform legislation that does not contain these key ingredients.

We have made some progress on our points. One, we talked about PAC contributions. The Senator has made clear that he wants to abolish them.

Two, the House and Senate must play by the same rules. He indicated he is willing to support that, as well.

Three, disclosure of all soft money, and not just party soft money. Well, we have not reached that point yet.

Four, in-State contributions should certainly be given priority over out-of-State contributions. And we are going to work on a formula. Whether we achieve that one depends on the constitutionality.

Five, severability. Certainly we can supply no argument against that.

Six, campaign fundraising should be limited to the actual election cycle.

(Mr. WOFFORD assumed the chair.)

Mr. BOREN. We are working on that.

Mr. COHEN. Some of our colleagues start to raise funds the day after they are elected; others wait until their electoral cycles begin.

Seven, campaign committees should not pay back loan that candidates

make to their own campaigns. That is the situation with millionaires who loan money to the campaigns and then, if successful, suddenly start getting paid back from the same people and PAC's that they so railed against during the course of their campaigns to show that they were more honest and honorable, perhaps, than those who were sullied by the political process.

Eight, also, avoiding taxpayer financing of campaigns.

Most of us, if not all of us, on this side feel very strongly that we ought not to be asking the public to support the financing of political campaigns.

My position—and the position in this letter goes further than that—is once again I think we want to get away from this notion of incumbent protection. If we are going to have public financing, which I do not support, but if we are to have it, it must apply to both primary and general elections, just as it does to the campaigns for the Presidency. We want it to apply to primary campaigns, as well, so we do not have a situation where the incumbents avoid all effective challenges in the primary, only to be reelected overwhelmingly in the general, and yet hold out their hands and say, "You see, we have absolutely clean hands. We favor campaign reform."

Any bill that provides incumbent protection by omitting financing for primary campaigns would not achieve the goal of placing challenges on an equal footing with incumbents.

So, Mr. President, I thank my friend from Oklahoma. I just want to point out that we suggested to the chairman and the majority leader that these are the principles that we feel very strongly about. We also felt that if we are going to have public financing, the House of Representatives has to tell us, since they are the body in which tax writing must originate, exactly how they propose to pay for it.

So with these principles, if you can indicate at some appropriate time through private negotiations whether you can support them, you will find willingness on this side to go forward. Absent that, I think you will find pretty strong resistance.

Mr. BOREN. Mr. President, I thank my colleague.

Indeed, I do remember the problems that arose from 1988 when the Senator was the subject of some advertising campaign. And I think my colleague from Maine will also recall that in that situation this Senator came to the floor and, in fact, engaged in debate about those advertisements, and to make clear this Senator's confidence in the personal integrity of the Senator from Maine and his sincerity on this issue. I know he will recall in that discussion on the floor that this Senator engaged in it.

We are making, I think, good progress on the issues that have been raised by the Senator from Maine.

As I say, I have had several discussions with the Senator from Vermont, which I assume are being passed on and shared with colleagues, and I will continue to do that.

I am a perennial optimist, I suppose, now being the 11th year of offering this legislation to try to limit runaway campaign spending. But I believe we are closer than we have ever been to be able to craft a bipartisan compromise that will meet the goals that were set forth in the letter.

In all honesty, the most difficult one is probably to come up with a series of incentives strong enough to meet the court requirement in Buckley versus Valeo that does not impose what is viewed as an undue burden on the public financing mechanism as viewed from those who signed the letter. That is difficult. I do not think that is an impossible task and I think that is one we should really strive to accomplish.

Let me say to my colleague from South Dakota, going back to the pending amendment, I am told that there are two or three other changes in addition to the aggregate amendment that would also not allow communications for get-out-the-votes between either corporations and their shareholders or unions or their members or other like organizations that apply to both business and labor groups.

We have not banned that communication and I am not at all sure we can ban that communication constitutionally.

The other thing is, I am told that the fallback position applies only to non-connected PAC's, as opposed to all PAC's. And those of us who worked on this legislation feel that to be fair it should apply to all PAC's and not only just the nonconnected PAC's, because you start drawing distinctions then between which PAC's favor which parties.

Mr. PRESSLER. Would my friend yield?

Mr. BOREN. Yes.

Mr. PRESSLER. As far as I am concerned, we could make those changes.

Mr. BOREN. I would suggest perhaps we might want to look at it.

Mr. MCCONNELL. Will the Senator yield?

Mr. BOREN. I am happy to yield.

Mr. MCCONNELL. I might say to my friend, while we are looking at changes there are a couple of others that might be entertained.

No. 1, the underlying bill has no aggregated limits for the House.

Mr. BOREN. I understand.

Mr. MCCONNELL. No 2, I believe I am correct, the underlying bill does not eliminate leadership PAC's.

Mr. BOREN. It is our intention to ban leadership PAC's. I thought we did ban leadership PAC's in the bill. Obviously, if we have a fallback that includes aggregates for both the House and the Senate, that would be appropriate, since we are talking about the

\$1,000 fallback for both the House and Senate. I think it ought to be on all PAC's and it was our intent to ban leadership PAC's. If we do not have that, then we would be happy to look into that. I feel very certain that is in there.

Mr. PRESSLER. Let us put in the 20 percent; that is fine with me.

Mr. BOREN. I would suggest, quite frankly, on the matter of communications with the unions to members, and corporations to shareholders and employees, and that sort of thing, we have been working on ways to have disclosure of that. That is a bit of an apples and oranges issue, a separate issue here. And if we have a difference of opinion on that, I suggest we handle that on a separate amendment and vote up or down and see how we feel about it.

It is one of those items that I personally have been involved in negotiations with several other Senators on the other side of the aisle about how we could have a stronger provision on looking at this kind of expenditure by unions and corporations.

Mr. PRESSLER. I thank my colleague.

What I am trying to do is get the House and Senate on the same basis.

Mr. BOREN. I understand. I might say I am told that section 701 does ban leadership PAC's. If my colleague from Kentucky feels it is insufficient, that is certainly the goal of it. If we need to strengthen it, we would be glad to look at it.

Mr. MCCONNELL. The bill may be inconsistent. On page 39, paragraph 9, the bill read:

For the purpose of limitations provided by paragraphs (1) and (2), any political committee which is established financial or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder.

It could be that the bill is inconsistent. Our view of this particular paragraph was it did not ban leadership PAC's.

Mr. BOREN. That was certainly not our intent. And I am trying to find the section on leadership PAC's.

Mr. MCCONNELL. I am told by staff that elsewhere it seems to ban them.

Mr. BOREN. It could be we need to make a technical correction here, which we would be happy to do.

I am glad to see my colleague from Kentucky and I are in agreement on this point. I do not think any of us want to see leadership PAC's continued. We want to make sure that is phrased appropriately.

Mr. MCCONNELL. It is also correct, I assume, the Senator from Oklahoma would want to have the aggregate limit and fallback position apply to the House as well as to the Senate?

Mr. BOREN. I am happy to do that. I might suggest perhaps we might, if my

colleague is willing, either go into a quorum call at this point to work on this or it may take a little more time to draft this. If so, we could set the amendment aside.

Mr. WELLSTONE. Will the Senator yield?

Mr. BOREN. I will be happy to yield.

Mr. WELLSTONE. In the spirit of moving this forward, as on the amendment I proposed on the prohibition of lobbyist contributions which was laid aside and we went to another amendment, I have a very brief amendment which just deals how much a candidate can contribute to his or her own campaign. It is very brief. I am ready to introduce it while you are working on that.

Mr. BOREN. Will that be agreeable to the Senator from South Dakota, that we temporarily set aside his amendment as well?

Mr. PRESSLER. Let me say I will be very happy, with the 20-percent limit, I will be happy, if necessary, to take out the communications between workers and unions and employees of the corporations—we will work with that in a separate amendment. But I do want to stick with—we will clean up the language. But I do want to work very hard getting equal time on PAC's.

Mr. BOREN. The House up to \$1,000, and 20 percent.

Mr. PRESSLER. If our staffs can do that and we go forward and have a vote on it, that will be agreeable with me. I have to check with my cosponsors.

Mr. BOREN. I would be happy to do that. Let me ask if the Senator will be willing to set this aside? We have now set aside the Wellstone amendments in the first and second degree.

I think the Senator from South Dakota yielded to me for a question.

Mr. PRESSLER. Could we get a vote on this yet today? Could we get this thing taken care of today?

Mr. MCCONNELL. If the Senator will yield for a question, I want to make the point the amendment of the Senator from South Dakota is the most comprehensive amendment that has been offered on this subject. It seems to ban leadership PAC's. It seeks to clearly apply the same rules to the House and Senate. Even though we may make some slight modification in discussion, I want to commend the Senator from South Dakota for his amendment which clearly comes closer to getting the job done and applying the same rules to the House and Senate than any we have seen so far.

Mr. BOREN. Mr. President, let me make a request of the Senator from South Dakota, if he will yield to me, to make this request of him. Would he, perhaps, entertain—if we can get this done in time, this Senator will be happy to. I do not think we plan to stay in session late tonight.

Mr. PRESSLER. How about voting at 6 on this? Work out the language and vote at 6 tonight?

Mr. BOREN. I will be happy to try to shoot toward that, even earlier if we can, assuming we can succeed.

I think it will be difficult to lock in a vote until we know if we can succeed on it but I will be glad to do that.

Mr. PRESSLER. I would like to get a vote on this today and get it out of the way, if we could. I think we can.

Mr. COHEN. If the Senator will yield, if we are going to vote I would like to vote either early or later. There are some of us who are going to the White House for the ceremony on the Older Americans Month.

Mr. BOREN. Mr. President, I would say also I am informed I have to attend a meeting at 5:30. It might be possible. I do not know if we can set a time. It will have to be contingent on us reaching an agreement. We can have a gentleman's agreement.

Mr. PRESSLER. Could we vote on it tomorrow morning at 10 o'clock? How would 10 o'clock tomorrow morning suit you?

Mr. BOREN. I would have to consult with the majority leader on the scheduling since I do not feel I have the flexibility as manager of the bill. But some time early in business tomorrow would be fine with me. It might work out better, in the sense it will give staffs time to work overnight if we were not quite finished. I hate to impose on my colleagues to set a vote 7 or 8 o'clock tonight if there is not another reason why we have to be here that late.

Mr. PRESSLER. If we could shoot, generally speaking, at 10 o'clock tomorrow morning and maybe a half-hour debate before that for anybody who wants to speak on it, if we could have a vote about 10, if the leadership agreed.

Mr. BOREN. I will be happy to convey that to the majority leader, the sense of that, and to see if that will be agreeable to him. I am informed by the floor staff that, apparently, the two leaders have worked out 2½ hours of morning business time in the morning, equally divided between the two leaders. Apparently that is due to a number of requests on the Republican side of the aisle and the Democratic side of the aisle. So it might be difficult to set it that early because of this morning business time.

I do not know exactly what time the two leaders have decided—they have been working on this jointly—to come in in the morning.

Suffice it to say, obviously, we are all operating in good will here, and that it would be certainly fine with the managers of the bill, and certainly on this side, that we try to do it as quickly as we can tomorrow. There is absolutely no intent of not having a vote on this amendment.

Mr. PRESSLER. How about 12:30 tomorrow?

Mr. BOREN. If I could just ask my colleague to allow me to try to work

this out, just to say verbally to him that I think we are going to have to consult both Senator DOLE and Senator MITCHELL about a time, which we will be happy to do. If he will be willing for me just to give him my word, we will as soon as we can at a time that is as early as possible once we finish the drafting of the amendment and the two leaders agree upon it, we will bring it to the floor to vote. I certainly anticipate it will not go until tomorrow night, that long, by any means.

Mr. COHEN. It seems to me there is going to be virtually unanimous support for this measure, so it is only a question of trying to accommodate a schedule tomorrow, some time during the course of the day, whether it is 12 o'clock or 2 or 3 or 4, whatever time we work out. I think we are going to have pretty strong support for whatever is arrived at. I am not sure it is critical we have a specific time set.

Mr. BOREN. If my colleague from South Dakota would yield further, I will be happy also to consult with him further as to the convenience of his own schedule as to when will be the best time tomorrow for him to come and present the agreed-upon amendment.

Mr. PRESSLER. Any time will be fine.

Mr. BOREN. If he will agree to set this aside, we can then go to the Wellstone amendment. Depending on how much debate it takes, that might be the last amendment we could take up this afternoon for a vote. While we work on the other Wellstone amendment and the Pressler et al. amendment, and then be able to come back and vote on those tomorrow, as early as possible.

Certainly the Senator is right, to have a period of time for debate, and as far as this Senator is concerned, to have the yeas and nays and have a recorded vote on this matter is all very agreeable on this side of the aisle.

Mr. COHEN. Will the Senator yield for another question? When you mention the Wellstone amendment, I take it you are referring to a separate amendment that does not involve the lobbyist disclosure contribution?

Mr. BOREN. The Senator is correct. It does involve the lobbyist matter, that is the reason it has been set aside. We have not agreed when we will bring that back.

Mr. COHEN. The next amendment my colleague said we would take up this evening does not involve that Wellstone amendment?

Mr. BOREN. That is correct. I believe the next amendment has to do with how much a candidate can contribute of his own funds to a campaign.

If I can yield, I think the Senator from South Dakota still has the floor. I just urge him to make a request that his amendment be temporarily set aside without prejudice for us to work on it.

Mr. PRESSLER. Mr. President, I ask unanimous consent that my amendment be temporarily set aside.

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

AMENDMENT NO. 373

(Purpose: To reduce the amount of personal funds that an eligible Senate candidate may spend to \$25,000)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 373.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

In section 502(a)(1) of the Federal Election Campaign Act of 1971, as proposed to be enacted by section 102(a) of the amendment, strike "the lesser of" and all that follows through "\$250,000" and insert "\$25,000".

Mr. WELLSTONE. Mr. President, this amendment is very straightforward and I am still focused on this same principle of reform which I will get back to, I think, as we go along in the next couple of weeks on the individual contributions. I will come in with some other limits.

This has to do, however, with what a candidate can contribute of his or her own money to a campaign. In the bill we have before us on the floor of the Senate, the limit is set at \$250,000. I am just drawing on my own experience. There was simply no way that, even if Sheila and I had wanted to contribute our own money or take out a second mortgage or all the rest, we could have done it up to \$250,000. This is within the framework, again, of agreed-upon spending limits, which is what this piece of legislation, the bill that is now on the floor of the Senate, is all about.

What I am doing is reducing the \$250,000 to \$25,000.

I remind my colleagues that in the original S. 3, my amendment last time around was accepted by voice vote. So the U.S. Senate, I believe, has already gone on record in support of this amendment and the principle that underlies this amendment.

One more time, what I am suggesting is that, if we want to talk about some kind of standard which means that everybody is in the loop, we want to make sure that when it comes to what an individual can contribute to his or her own campaign, we set that at a reasonable limit.

Mr. President, I think I am right about this—I have to qualify it a little bit that way—I think in the Presidential campaign, which is all 50 States, the limit on what an individual can contribute to his—or, hopefully,

her sometime in the future—campaign is \$50,000, and that is for the whole Nation. So it strikes me that to have a \$250,000 limit applied to one State is just simply too large. I think we should cut it down to \$25,000. I think that really, once again, passes the cafe test in Minnesota in terms of what an individual would have by way of his or her own resources to put into a campaign.

That is my amendment. It has been, I believe, accepted by the Senate before. I certainly would be interested in a discussion with other colleagues. I do Mr. President, ask for the yeas and nays on this, and the reason I do that is because last time we did voice vote it, and it was knocked out in the conference committee. This time I want to have a good, strong vote in support of it.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

Mr. MCCONNELL. If the Senator will withhold, I want to ask him a question about the amendment, if I could.

Mr. WELLSTONE. Certainly.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. As I understand the Senator's amendment, it lowers the threshold from \$250,000 down to \$25,000. If an individual chooses not to honor the \$25,000 limit and opts not to accept public funding and pursues the constitutional right which that individual has under Buckley to spend everything they own on a campaign, if they want to, does it trigger public money for the opponent under the Wellstone amendment to counter that expenditure of personal wealth by that candidate on behalf of his own candidacy?

Mr. WELLSTONE. If the Senator will just for a moment give me a chance to check on that, the first part of the question, where I thought he was heading with that, was the constitutional question of whether or not if somebody said, "I don't want to abide by the limits," can that person essentially raise all the money he or she wants to raise?

Mr. MCCONNELL. They can do that.

Mr. WELLSTONE. The answer is definitely "Yes."

Mr. MCCONNELL. He does not have to answer it at this moment. We can put in a quorum call. I would like to get an answer to it. If that noncomplying candidate decides to shoot the works, does it trigger public subsidies for his opponent to counter that personal expenditure?

Mr. WELLSTONE. Mr. President, let me just suggest the absence of a quorum for a moment, and then I will respond to the Senator.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 373, AS MODIFIED

Mr. WELLSTONE. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The Senate has that right. The amendment is so modified.

The amendment, as modified, is as follows:

On page 12, beginning on line 8, strike "the lesser of" and all that follows through "\$250,000" on line 12, and insert "\$25,000".

Mr. WELLSTONE. Mr. President, I ask for the yeas and the nays.

The PRESIDING OFFICER. Is there sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. President, in response to the question from the Senator from Kentucky on the limit on what an individual can contribute to his or her own campaign—the question was if an individual wants to opt out of all of this and just simply contribute whatever of his or her own resources, would this ultimately dollar for dollar, trigger public financing for that one individual level—the answer for that is "No."

Mr. MCCONNELL. And so I would ask my friend from Minnesota, once the wealthy candidate spoke excessively, beyond the spending ceiling, then the provisions of the bill would come into effect?

Mr. WELLSTONE. That is correct. Then you have the framework of the bill itself which says that once someone exceeds the overall spending limits that are set, then you have a matching.

Mr. MCCONNELL. As I understand it under the bill, there are two separate sort of slugs of public money when somebody—for an opponent, when he exceeds the limit. But if the millionaire just decides to keep on going, at some point even, using the provisions of the bill, he will not have his speech countered by tax dollars, is that correct? That is my understanding.

Mr. WELLSTONE. I am sorry; I did not hear the Senator from Kentucky.

Mr. MCCONNELL. There are sort of thresholds before the spending limit. As I understand the bill, when a complying candidate hits a certain point, x number of tax dollars are triggered for his complying opponent. When he hits another threshold, x number of dollars are triggered for his complying opponent.

Mr. WELLSTONE. That is correct.

Mr. MCCONNELL. If he is excessively wealthy and just wants to keep on going, at some point his speech will be able to drown out the tax-subsidized opponent. That is correct, is it not?

Mr. WELLSTONE. That is correct. If the Senator will yield, that can become—the Senator and I might put a different judgment on it as to whether that is a good or bad thing, but the Senator is correct in the analysis.

My own view is at some point in time the people in States where the races are taking place can decide whether or not they feel as if somebody has used their wealth to buy a seat or not. But what I am trying to do in this amendment—and this is an amendment that I brought to the floor of the Senate, the Senator may remember, last time—I am simply saying by this standard within the framework of the bill before us, within the standard of trying to make sure that when people run for office you do not penalize somebody who does not have a lot of wealth or income; \$25,000 makes much more sense.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I would say to my friend from Minnesota, I think his amendment is a good one. We have dealt with this before. I was illustrating the point consistent with the Constitution—I do not like this personally. I would not vote for somebody who was trying to buy a race out of their own personal funds myself. But it is impossible ultimately under the Constitution to keep someone of great wealth from spending everything they have, speaking in behalf of their own campaign if they choose to do so.

I do not like that practice. I would not amend the first amendment to cure it. I doubt if my friend from Minnesota would amend the first amendment either. I was only pointing out that ultimately it is impossible to keep a person of great wealth from spending literally everything they have in behalf of their own political campaign if they choose to. Not a desirable practice, not one I support, but it is something the Constitution certainly permits.

I comment my friend from Minnesota for his amendment. In all likelihood it will pass.

Mr. WELLSTONE. I thank the Senator. I think the Senator is quite correct, that ultimately it is support of public opinion, if you will, that deals with this issue, given the Buckley versus Valeo decision. And this amendment essentially says, within the framework of the bill before us, it is what is more equitable. I appreciate the Senator's support.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MCCONNELL. Mr. President, if the Senator would withhold.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Will the Senator from Minnesota withhold his suggestion?

Mr. WELLSTONE. Absolutely. I know the Senator from Nevada had been here for a while, and I know the Senator from Arizona came before, so I certainly will do that.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, this past Saturday, for the first time in some 10 years, I took the opportunity to go to the Jefferson Memorial. I drive by it every day and I remember those times that I had gone there. Of course, it was a magnificent day to see the beautiful water, but the best part of the Jefferson Memorial, of course, is to walk in that memorial and see what Jefferson wrote, a smattering of things that he wrote.

The thing, though, that caught my eye on Saturday, spread on the wall as you walk, in, is where Thomas Jefferson said:

I am not an advocate for frequent changes in laws, but laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered, and manners and opinions, change, with the change of circumstances, institutions must advance also to keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy, as civilized society to remain ever under the regimen of their barbarous ancestors.

Mr. President, I mentioned it because it seems a long time ago. It was when I appeared on this Senate floor to talk about my election to the U.S. Senate in 1986. It is now 1993. In 1986, I talked about what I had gone through to be elected. I talked about complaints I filed with the Federal Election Commission that had not been resolved. All during the year of 1987 I spoke that I knew there would never be another election cycle where people would have to go through what I went through in 1986.

What did I go through? I can remember one day I got up during the campaign and saw signs of my opponent all over southern Nevada. I heard from campaign workers around the State that hundreds and hundreds of signs, large 4-by-8 signs were all over the State. I said to myself, what a waste of money; signs. He could better spend that campaign money on television, radio or newspaper, or direct mail. But little did I realize it did not matter because it was not his money. This was soft money that had come to my opponent and he had spent thousands and thousands of dollars for these signs. Soft money.

Bundling. When you file the election requirements with the Federal Election Commission, there would be page after page of relatively small contributions from people all over the United States. What I did not know—I now know—is that the Republican Senatorial Campaign Committee had sent out a mailing, and they had bundled all of this money and given it to my opponent. People all over the country had sent money, not to him, but to the campaign committee, and they had bundled it up and given it to my opponent.

Independent expenditures. I never thought, in 1986, they would still be in effect in 1992. But in my election in 1992, there were numerous independent expenditures against me. A person was made at me. I have learned since that the reason he was mad is this wealthy man had sent a request to one of my offices for a flag that had flown over the Capitol for his grandson. I did not get the request. He felt slighted because he did not get a flag for his grandson. So he spent thousands and thousands of dollars in campaign expenditures, independent expenditures, against me. His name was nowhere identified that I recall, just some committee.

Here it is 1993 and the law has not changed. We are still spending huge amounts of money. Campaigns go on forever. I think it is time that we change that. That, Mr. President, is what the bill that is before us is all about, to make elections shorter, to speed up the election process, and to take away the tremendous demand for money in campaigns.

As to bundling, that is handled in this proposed law. Bundling refers to the collection of independent checks for a specific candidate by an intermediary such as an individual or political committee. Under existing law such contributions can be made without counting against the contribution limits of the intermediary. The leadership substitute prohibits bundling except by a representative of a campaign committee, professional fundraiser, or individual hosting a house party. In short, this is a great advance to eliminate bundling.

Independent expenditures, Mr. President, are moneys spent on direct communications with voters to express advocacy of a Federal candidate when there is no participation or cooperation of the candidate, supposedly. Under current law, independent expenditures have been narrowly defined to permit an unacceptable degree of consultation but would leave candidates and groups, in effect, unfettered. This law that is now being debated in the Senate would put a stop to most campaign expenditures. At least you would know where they came from and how much they paid for them.

The same applies to soft money. There would be significant restrictions—some feel not enough—but significant restrictions placed on soft money. Also, this bill takes a great bound forward to give the Federal Election Commission some strength. When the Federal Election Commission was formed, there were many who felt it was formed to be a toothless tiger. Basically, that is what it has been, not because of the Commissioners themselves—I think both the Democratic and Republican Commissioners want to do a good job—but it has been set up so that it is a partisan body. Most important things are deadlocked on a 3-to-3 basis.

This bill now before this body would stop that. The Federal Election Commission would be given teeth. I think that is important.

In 1986, I filed a number of complaints with the Federal Election Commission. I reported here on a yearly basis about nothing having happened on my complaints. One year, 2 years, 3 years, 4 years, 5 years, 6 years—nothing happened on my complaints. On the seventh year, finally one of them was resolved and my complaint was found to be meritorious and I, in effect, won that.

There are a number of complaints still pending before the Federal Election Commission. You would think that 7 years would be enough time to arrive at a result on the complaints filed. But in fact, the Federal Election Commission is so understaffed, and the procedures are such that it is very difficult for them to do anything of a positive nature, that nothing has happened on those complaints I filed.

Under this law now before this body, that will change in the future. A candidate will not have to wait 7, 8, or 9 years for there to be some activity on a complaint filed.

If, as Cicero wrote, money forms the sinews of war, it also, Mr. President, pulses through the muscle of political campaigns. Money is too important in political campaigns. We have to lessen the importance of a dollar in a political campaign.

In the 1992 campaign for President, for example, the Republicans and Democrats each spent about \$100 million. This does not count some of the soft money. One independent candidate spent \$61 million of his own money.

In our bill, that situation is not addressed. In the House bill, it is addressed; that is, when people spend these huge amounts of money, there will be some way to make them more accountable. I think that is right. I am sorry that it is not in our bill.

Hopefully, if we get something out of the House and the Senate, the conference will address this.

The average amount spent by a winning House candidate in 1992 was about \$500,000. Having served in the House myself, when I came to the House in 1982, that amount was significantly less than the average of \$500,000. It has gone up—not down, but up—because the dollar has become more important, both in the House and in the Senate.

(Ms. MIKULSKI assumed the chair.)

Mr. REID. The average amount spent by a winning Senate candidate, \$3.6 million. In a relatively sparsely populated State like the State of Nevada, I spent, in 1986, \$2 million. In 1992, I spent \$3 million. It keeps going up. I read in the Washington Post today that the amount of money spent by various candidates per vote was significant. I think I ranked sixth or seventh on the list. Too much money is spent in politi-

cal campaigns. We have to lessen the importance of the dollar.

I have talked about the average. The Senator who is presiding over the Senate comes from a very heavily populated State. The amount of money spent there was far more than \$3.6 million. In the State of California, with 30 million people, huge amounts of money are spent there. But it comes out to an average of \$3.6 million.

Something must be done to stop this outrageous amount of spending to achieve public office. People ask, who are watching these proceedings in the offices or on C-SPAN: Well, why do you spend it?

Madam President, to be competitive, you have to spend it. If you want to be a Member of the House or of the Senate, then to be competitive you have to play by the rules and spend those moneys. I think it would be better, as this legislation indicates, if there were ceilings on how much you could spend.

The Supreme Court has made our job very difficult. The Supreme Court, in my opinion, unwisely has ruled that we cannot place mandatory limits on the amount a candidate can spend for public office. The Supreme Court has said such limits would infringe upon the candidate's right of free speech.

As I have heard Senator HOLLINGS, the junior Senator from South Carolina, say on a number of occasions, what the Supreme Court said is that, "Everyone has free speech, but those that have more money have more speech."

That is why I support the constitutional amendment of the Senator from South Carolina to allow us to set limits on how much can be spent.

At the same time, though, the High Court has upheld limits on campaign contributions. To me, this seems a contradiction in terms. The Supreme Court evidently believes that a wealthy man should be able to spend all of the money he or she wants to, in effect, buy public office; but the person without resources, without money, who wants to contribute to a campaign and have his voice heard, is limited. And so, if a person wants to run for office who does not have these vast resources, he will be denied access to the airwaves because he does not possess enough money of his own.

The Supreme Court's decision in Buckley versus Valeo amounts to an elitist proclamation to the American people that if you are rich, you can say anything you want; you can distort facts and create hateful contempt for this body and the House of Representatives; you can lie outright. But if you are poor or middle class, basically you are told to go home and be quiet.

The wealthy candidate can buy half-hour TV spots, or minute spots, or whatever the money will buy, to get that message out—as distorted as the message might be. I had an example in

this last election that proved, without question, that bad TV is better than no television. A person can literally own the airwaves. At the same time, a person with little resources has to be out scrambling for money to buy even a 10-second spot.

Pope Leo XIII wrote:

It is one thing to have a right to the possession of money, but another to have the right to use money as one pleases.

If the Supreme Court is telling us it is OK for a person to use his money to buy a seat in the Senate or the House, or to buy the Presidency, then I think we have to do something to change that. So I think one thing we need to do, as this legislation does, is to set spending limits that are attractive to all candidates—voluntary spending limits. That is what this bill does. It sets up a procedure by which individuals can agree to voluntary limits. If somebody does not adhere to the voluntary limits, then there would be procedures in the law to allow that person who did not have unlimited wealth to obtain moneys to match that which the wealthy person is spending.

We have talked in this body since I have been here—which is going on 7 years, plus the 4 years I was in the House—about campaign reform. We have enacted some reforms, but very, very few. We need to do more.

Madam President, we need to make campaigns shorter if we can. We need to make campaigns so that we do not spend unnecessary amounts of money. The American public is asking for this, and rightfully so.

I am not blaming the Federal Election Commission for the problems I had in 1986 or 1992. As I have indicated, they have been set up to be a toothless tiger. And we have to pass this legislation to make the Federal Election Commission an agency that everyone can be proud of, an agency that, if you file a complaint, they have the resources and the power to do something about it.

It is time for us to make the system fair, to make sure candidates are accountable to their constituents, and to make sure that those people that have access to money, or have money, do not control the political process.

It is important to note, as we are talking about this legislation, that most other democracies in the world have many more restrictions than we do. Britain and Canada, two great democracies, both limit campaign expenditures. In other areas of the world, the length of campaigns, where we have democracies, are restricted. France limits its campaigns to 3 weeks prior to the first round. Great Britain limits its campaigns to 17 working days. Canada's campaigns are limited to 8 weeks. Germany's are limited to 6 weeks.

In addition, all other democracies, except the United States, Mexico, and

Taiwan, provide free broadcast time to candidates. If you consider that Mexico and Taiwan are not, at this stage of their development, really multiparty democracies, that leaves the United States as the only country that does not provide free broadcast time.

The United States is looked upon in the world as a leader when we talk about ethical standards. Of course, we have had lapses. But the reason that we are the great democracy that we are is that these lapses of morality have been made public, and we have been able to discuss and debate what has been done wrong. We should not, therefore, be the last great democracy to make our political system fair.

We need to pass S. 3, the Congressional Campaign Spending Limit and Election Reform Act of 1993. The major provision of the bill is voluntary, flexible spending limits. We need to have this as part of our law.

A ban on PAC contributions, limits on lobbyists, the end of money and bundling, and encouragement of cleaner campaigns are some of the other major provisions of the Congressional Campaign Spending Limit and Election Reform Act. We must not delay this any more. I hope that in the next round of elections, this body and the other body will have some guidance to make sure that elections are shorter and the money spent is not unlimited.

Delays have dangerous ends, we are told. I recently read a diary of President James Garfield when he served in the House of Representatives. He made the following insertion in his diary:

There is something peculiar in the temper of the House of Representatives.

And he could have added there, of course, "and the Senate."

A clear, strong statement of a case, if made too soon or too late, fails. If well made at the right time, it is effective.

President Garfield went on to say:

It is a nice point to study the right time.

Madam President, this is the right time. This is the right time for campaign reform. It is not too early. It is not too late. This is the time for campaign reform. We must rally around the authors of Senate bill 3.

I am proud to be a cosponsor of that legislation. I commend and applaud Senator BOREN for his efforts in behalf of this entire body and the country is moving forward with this legislation.

I look back on the years we have worked on this legislation. I will never forget Senator BYRD when he was majority leader how he kept calling for cloture. Seven times, as I recall, we tried to enact cloture to effect a cloture motion. We were unable to do that.

But Senator BYRD and others have been in the forefront of trying to change elections so that they are quicker and less expensive. This is the right time for campaign finance reform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. If the Senator will withhold, there is a pending first-degree amendment. Is this amendment to the amendment pending before the Senate?

Mr. MCCAIN. Madam President, I ask unanimous consent that the pending amendment be set aside for the purposes of offering an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator may now offer his amendment.

AMENDMENT NO. 375

(Purpose: To restrict the use of campaign funds for inherently personal purposes)

Mr. MCCAIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 375.

The PRESIDING OFFICER. The clerk will report.

Mr. MCCAIN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 17, line 3, change (f) to (g) and insert the following:

"(f)(1) RESTRICTIONS ON USE OF CAMPAIGN FUNDS.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end of the following new section:

"SEC. 324. (a) An individual who receives contributions as a candidate for Federal office—

"(1) may use such contributions only for legitimate and verifiable campaign expenses; and

"(2) may not use such contributions for any inherently personal purpose.

"(b) As used in this subsection—

"(1) the term 'campaign expenses' means expenses attributable solely to bona fide campaign purposes; and

"(2) the term 'inherently personal purpose' means a purpose that, by its nature, confers a personal benefit, and such term includes, but is not limited to, a home mortgage payment, clothing purchase, noncampaign automobile expense, country club membership, vacations or trips of a non-campaign nature, and any other inherently personal living expense as determined under the regulations mandated by paragraph (f)(2) of this subsection."

(2) REGULATIONS.—For the purposes of subsection (f)(1), the Federal Election Commission shall, not later than 90 days after the date of enactment of subsection (f)(1), prescribe regulations to implement the subsection. Such regulations shall apply to all contributions possessed by an individual at the time of implementation of this section."

Mr. MCCAIN. Madam President, the amendment before the Senate is a very

simple one. It restricts the use of campaign funds for inherently personal purposes. The amendment would restrict individuals from using campaign funds for such things as home mortgage payments, clothing purchases, noncampaign automobile expenses, country club memberships, and vacations or other trips that are noncampaign in nature.

Madam President, I want to emphasize I will be citing some examples of how campaign funds have been used which are extremely egregious, but I want to point out they are not illegal, and the purpose of this amendment is to restrict the use of those campaign funds because, if we are truly going to have campaign finance reform, I do not believe that campaign funds should be used for such things as country club dues, tuxedos, vacations, and other purposes for which they are now almost routinely used by certain Members of both bodies.

I point out that Senators and Members of Congress currently earn \$139,000 a year, which means that Members of Congress are in the top 1 percent of wage earners in the country. So let there be no mistake, Members of Congress do earn a good wage, a wage that does not leave them poor.

I think it is worth contrasting a Member's salary and perks with that of a typical American family. According to the U.S. census, in 1990 the median family income in America was \$30,056. With that \$30,056, the average American family was expected to put a roof over their head, feed their children, and send them to school. It seems to me that we should be able to survive as well at a salary level of \$139,000 per year.

The use of campaign funds for items which most Americans would consider to be strictly personal reasons, in my view, erodes public confidence and erodes it significantly.

Sara Fritz, a reporter for the Los Angeles Times, in her book "Handbook of Campaign Spending" calls campaign funds that are used for personal reasons nothing more than a slush fund.

She writes:

In the spring of 1990 [a Member of Congress] and his wife enjoyed a leisurely, eight day stay at South Seas Plantation in Captiva, Florida. Their accommodations during the first three days of the visit were courtesy of the Electronics Industry Association; the next five days were paid for by [the Member's] campaign.

Under House and Senate ethics rules, Members of Congress must use campaign funds for political—not personal—purposes. Yet the commonly accepted definition of a political expenditure has grown so broad and enforcement of the rules has been so lax that congressional campaigns now routinely make purchases that on their face appear to be personal, such as resort vacations, luxury automobiles, expensive meals, apartments, country club mem-

berships, tuxedos, home improvements, baby sitting, and car phones.

I want to point out again, Madam President, that the examples I am going to cite are legal and they will seem egregious, but the fact is, in my view, they should be severely restricted.

Further, Ms. Fritz later concisely points out:

In many cases, in fact, [the use of campaign funds for personal purposes] has transformed middle-class politicians into members of the country club set, isolating them from their constituency.

One major reason the public does not approve of Congress is that they believe we are isolated and nonresponsive, and we, of course, do not want to maintain a policy that encourages the Congress to be even more separated and disconnected from the people.

If we in Congress learned one thing from President Clinton's \$200 haircut last week, it should be that the public does not approve of its elected officials being treated as royalty. We should be no different.

The solution to this problem is simple; restrict the use of campaign funds solely to campaign purposes.

Madam President, my amendment outlines certain types of spending of campaign funds that would be forbidden. It also mandates that the Federal Election Commission, the experts on this subject, look into the matter and issue regulations if needed.

Further, in light of the bill before the Senate, should this amendment not be adopted, taxpayer money could be used directly by Members of Congress to support lifestyles of luxury.

According to Ms. Fritz, campaign funds have been used to buy items such as globes and trips to exotic locales such as Thailand, Taiwan, and Italy, tuxedos and an unexplainable \$299 for bow ties.

I cannot imagine being able to justify to the public what will soon be the use of tax dollars in this fashion.

According to Ms. Fritz, as I mentioned, these expenditures are very unusual. One time last year a Member of Congress used campaign funds for trips to South Africa and New York, dinner at a swank Washington restaurant, \$5,000 in donations to his daughter's school board campaign. Another paid out more than \$10,000 for a telephone car phone and automobile expenses. Another contributed \$35,000 to a national political effort aimed at helping his party prevail in recent reapportionment battles.

The list goes on and on.

Madam President, I am not attempting to embarrass anyone and I emphasize for the third time that these expenditures have been ruled legal by the Federal Election Commission. But I point out these abuses, in my view what are abuses, because they are certainly not what the average contributor intends for their funds to go to.

Now, if we are going to have taxpayers' funds being used for these elections, clearly they should not be used in this fashion.

Madam President, I hope that this amendment will be accepted by both sides. If not, I would be more than glad to call for a rollcall vote on the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Madam President, I thank the Chair. I thank my colleague from Arizona for offering this proposal. As always, his proposals are thoughtful and they are constructive. I certainly agree with the comments that he just made in terms of trying to prevent what is really purely personal use of campaign funds.

The Senator from Arizona has been a valuable supporter of campaign finance reform and reform of the political process in general. We have had an opportunity to work together on many of these issues, including an issue still pending in the Government Operations Committee, which I hope we will soon be able to bring to the floor together, and that is to stop the practice of people going in and out of the revolving door, out of public offices and into the private sector, to serve special interests and especially to serve foreign interests and those which are not necessarily at all in keeping with the best interests of the American people. He has been a great source of support and a great leader in these causes for reform in the governmental process.

I am certainly in basic sympathy with this amendment and hope it will be possible for us to accept it.

There are just one or two questions I would like to ask. I think there is no doubt that the kinds of things that the Senator has listed—which are not meant to be an exclusive list but be an illustrative list like home mortgage payments, floating purchases, noncampaign automobile expenses, country club expenses, vacations, and those sorts of things—are certainly the kinds of things that I would strongly agree with the Senator from Arizona should not be covered.

There are—and I know this from having now worked for so long on this legislation and having heard from many of our colleagues—there are a number of our colleagues, particularly from the Western part of the United States, and especially in those areas where they are farther from Washington—many who do not have financial means to be able to afford to take their spouses with them when they return to their home States—who often use campaign funds, excess campaign funds, to have their spouses go with them to public events.

I know that when I go back and forth to my home State, I go back and forth—if I charge it to the Govern-

ment, for example, or if I take my spouse with me and have it paid for out of campaign funds—it is not for the purpose of just going home for a vacation but for the purpose of going home to attend some public event.

When one serves in the Senate, you are expected to go, whether it is to commencement exercises at an educational institution or whether it is to go to an annual Chamber of Commerce banquet or testimonial dinner of whatever it happens to be for some public function. And I think very often that it is expected that the spouse of the Member accompany them and be there.

I think also we do want to encourage families to be together as much as possible, even while conducting official duties.

Some of these events are not necessarily in the campaign cycle. They would not be going to the State Democratic or Republican convention, for example, but on the other hand, would be going to some public event like, let us say, some event in an educational institution or something like that.

Would the Senator's term "campaign expense" be broad enough, especially as counterposed in his mind against the term "inherently personal purpose," to encompass or allow the use of excess campaign funds to allow a spouse to accompany a Member of the Senate, let us say, to some public and official event where he or she is going as a Senator and as I suppose a potential candidate for reelection, although it might not be in the 2-year election cycle?

Mr. MCCAIN. I would like to respond to my friend from Oklahoma. And I thank him for his kind remarks. I very much appreciated the opportunity of working with him on this issue and several other issues.

I think, clearly, the use of campaign funds for the spouse would be, in my view—and I would certainly bow to the views of my colleagues in the Senate and the FEC—but is clearly appropriate. There are some of us who feel that we might not be here if it were not for the presence of our spouses, and I happen to be one of those.

So I believe that, when people do elect a Member of this body or the Congress, they many times view them as a team. Many times they do not, but many times they do.

I happen to know, for example, that the spouse of the Senator from Oklahoma is very active in every aspect of his public and private life. I know that is the case of my friend from Kentucky, as well.

So I would certainly view traveling back and forth to serve one's constituencies to events such as the Senator from Oklahoma described would be a legitimate expense.

Mr. BOREN. I thank my colleague.

Let me ask one additional question. Again it is illustrative and I think it

would be important for us to have it on the record.

I think the other, perhaps, most frequent, in addition to paying for accompanying spouses to these kinds of public events, the other, perhaps, purpose for which excess funds are most frequently used is probably to pay for either receptions or lunches—sometimes in places like the Senate dining room—for a group of visiting constituents.

Let us say you have a large school group come in and you want to give them donuts and juice in the morning, or you have several families come in from your home State, or representatives of some group that have come to meet with you about the problems back in the home State, and want to conduct that conversation over lunch in the Senate dining room or something like that. I suppose that is one example.

The other example often for which funds are sometimes used are condolences to people in the hospital, where flowers are sent, or condolence flowers are sent to funerals of outstanding citizens.

How would the Senator feel that those sorts of things would be described in terms of the line that he is attempting to draw here between what is legitimately a public purpose and what is an illegitimate, purely, personal purpose?

Mr. MCCAIN. I say to my friend from Oklahoma, I believe both examples that he cited are legitimate expenses. I believe that our constituents, when they come to visit our Nation's Capital, many times to visit their own money, that we should be able to provide them at least some form of refreshment. And, of course, in the case of flowers, I think that that is very appropriate.

I would remind my friend from Oklahoma that he and I would probably not be having to have this discussion—because there are certain gray areas that are clearly open for interpretation—if it were not for the egregious examples that are so often used—such as a paid vacation to a resort, such as the purchase of certain items, clearly for personal purposes; renting of an apartment, et cetera—that have made this issue very visible in the media and, therefore, an item of concern with the American people.

The examples that my friend from Oklahoma states I think are clearly legitimate, at least in my view, and are not intended to be covered by this amendment.

I would like to see just the most egregious examples addressed and then allow the FEC to issue regulations on those that might be questionable.

I also think that once this amendment and campaign finance reform is passed, our Ethics Committee staff could probably ascertain where the law lies, under the outstanding stewardship

of our ranking minority member, Senator MCCONNELL, and that way we could resolve some of these very gray areas.

But I really believe that we need to, for the sake of regaining confidence of the American people and our contributors, pass this amendment.

Mr. BOREN. Madam President, let me ask my colleague if he would yield for just one final question. I do not want to prolong our discussion.

I am told that the Ethics Committee interpretive rule 442 permits Members to use excess campaign funds for expenses in connection with official duties. I wondered if these activities might not be inherently campaign activities, but yet they would not be personal activities.

How does the Senator feel about that? Or would the Senator feel that that should also be included either inherently campaign or in connection with official activities.

Mr. MCCAIN. I say to my friend from Oklahoma, it happens to be my view that we do have generous office expenses and we do have generous mailing expenses and others. I would like to see the definition to some degree as to exactly what are official duties, because you know that can entail a wide variety of activities. But at the same time I believe most legitimate official duties that we have to carry out, if there is a need for it, the campaign funds could be used.

Mr. BOREN. For example, under the rule we operate under, if you are answering a letter—often handwritten letters that I answer will be in response to some official position, somebody might be writing me about the farm bill. But if I know that person well and my spouse knows their spouse, I often add "My wife sends her best wishes," or something like that.

Under our rules, we have to put personal postage on that, and that can run into many letters in a day in which I do that. And we very often use, again, excess campaign funds to pay for postage stamps to make sure we abide by that rule.

But I gather my colleague would not be trying to cover that sort of thing, either?

Mr. MCCAIN. I would not.

Mr. BOREN. Let me say, Madam President, it may be necessary—and I would be happy to accept the amendment for this side of the aisle—it may be necessary, as we go further with the legislation as it leaves the Senate to the House and hopefully ultimately in conference, we might want to sit down—I do not have the technical expertise to engage in a redrafting at this point at all—with the Senator from Arizona. It may be none is necessary.

But I would like, at least, to have leave and say in good faith to my colleague from Arizona if, indeed, we are successful in passing this bill with this

amendment in it, that is we get to the final stage of the conference committee, we may want to at least sit down with the legal staff of the Ethics Committee and the FEC to make sure that from a technical point of view the language is exactly right.

But certainly, because I agree very thoroughly with the thrust of what the Senator from Arizona is trying to do, and I commend him for this proposal, I would be happy to accept the amendment at this point in time with the understanding that later, as the measure hopefully nears the President's desk, we might want to take one last look together, and with the lawyers from the Ethics Committee and others, and make sure we have it exactly as it should be. That would give them the flexibility to write rules along the lines the Senator from Arizona has just described.

Otherwise, having said that, I would be happy to accept the amendment for this side. I do not know if the Senator wants a rollcall vote on it if we are willing to accept it, but I would be happy to accept it.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I just want to commend the Senator from Arizona for his amendment. I think it is right on the mark. As I understand it, having listened to the debate, the Senator from Arizona is clearly trying to differentiate those items that anybody having a committee qualified by the FEC might purchase for their own enrichment, if you will—presents for themselves, trips for themselves that are unrelated to going home, items that clearly could, it could be argued, sort of enhance the salary that we are paid here.

I think the Senator from Arizona has raised a very important issue and I think the colloquy between the Senator from Arizona and the Senator from Oklahoma does lay out certain areas of expense that I think all of us would agree are legitimate and should continue to be allowed in the post-McCain amendment environment. But I want to commend the Senator. I think this is a much-needed amendment and a very useful part of this debate.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I thank my friend from Kentucky and I thank my friend from Oklahoma.

Let me repeat, very briefly, I think the Senator from Oklahoma raises some very legitimate questions and ones we would have to work out, and the Ethics Committee would have to work out. But I want to emphasize again, when we are talking about campaign money to commission an artist to paint a \$3,000 portrait of his father, tuxedos, bow-ties, country club memberships, expensive new cars—the list goes on and on—vacations, one spent

\$7,000 on image consultation and a new wardrobe, \$25 at Thai Gyms, in Bangkok—there are many of these—\$327 at a restaurant in Paris. I just want to emphasize there are many examples which are not at all in any gray area, as far as I am concerned.

I do understand the questions that the Senator from Oklahoma raised and I think those questions have to be asked because there are certain areas where there could be legitimate, not only disagreement, but areas that might be included in an all-encompassing kind of amendment without intending to do so.

I thank my friend from Kentucky. I thank my friend from Oklahoma.

If they both agree to accept the amendment, I urge the adoption of the amendment, Madam President.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 375) was agreed to.

Mr. BOREN. Madam President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Madam President, I am very pleased that the Senate is once again considering the issue of campaign finance reform. The public's faith and trust in the Congress continues to languish at lows usually reserved for ambulance chasing lawyers and used car salesmen. There are a multitude of reasons why this is true, but chief among them is that the Federal campaign finance system is badly in need of reform. The American people believe, quite correctly, that the current system protect incumbents and makes them more beholden to special interests than the public interest.

I strongly agree with the American people that we must pass meaningful campaign finance reform. Since coming to the Senate, I have been working to improve the public's perception of this institution. From advocating the end to the Congress' ignominious reputation as the last plantation—passing laws that we do not apply to ourselves—to fighting against midnight pay raises from Members of Congress, I have and will continue to fight to clean up the Congress.

However, as important as these institutional changes are, the reform which would send the strongest signal to the American people that the government is working for them is campaign finance and election reform. Moreover, we have an obligation to pass substantial legislation that will actually bring about genuine change. We can ill afford to fuel the people's cynicism by passing transparent legislation that does not bring about meaningful reform. Unfortunately, when the Senate has considered this issue in the past, we were

more concerned with window dressing—passing something so we could show it to the public—than passing legislation that would substantially change the status quo.

Because of my strong belief in election reform, in the past I have voted in the Senate for campaign finance measures. None of the measures I have supported fully addressed this subject to my satisfaction. When many of my concerns were raised, they were either ignored or overlooked. Unfortunately, some who serve in the majority orchestrated passage of campaign finance that did not offer significant reform. It was also public knowledge, or perhaps just conventional wisdom, that these bills were destined to be vetoed. That is very unfortunate and the public has paid the price for our inaction.

Part of the price the public has paid is the continued influence of big money lobbyists and the ever-growing money chase. Campaign finance authority Herbert Alexander estimated that \$540 million was spent on all elections in the United States in 1976. For 1992, he estimated that those seeking office would spend \$3 billion. In congressional races, aggregate costs of House and Senate campaign have nearly sextupled since 1976, from \$115.5 million to \$678 million in 1992, while at the same time, the cost of living doubled.

Due to this overwhelming need to raise money, candidates are sometimes perceived by the public as nothing more than fundraising machines—putting the needs of the people secondary to the need to raise money. We need to work to change this image.

Mr. President, how did we arrive at this state?

The current system evolved out of a series of legislative actions in the early 1970's and from one paramount Supreme Court Case, Buckley versus Valeo.

In 1971, the Congress passed legislation which mandated uniform disclosure of campaign receipts and expenditures, limitations on contributions, and imposed certain spending limits on candidates. In the subsequent Buckley ruling, the Supreme Court decided that limitations on contributions were appropriate legislative weapons to ensure against the appearance of improper influence, however, the Court stated that no limitations could be placed on independent expenditures, candidate expenditures from personal funds, and on overall campaign expenditures. The end result is a campaign financing system that has fostered what is now known as the money chase.

It is this money chase that the public—rightly I believe—wants to see ended. At the same time, as we address this issue, we must be cognizant of the Buckley decision and seek to balance it with the desire of the public to see money chase ended.

Further, any reform measure passed by the Congress must create a level

playing field for challengers to run against incumbents. Incumbents, by the very nature of being in public office, have many advantages over those who seek to unseat them. The use of the frank and official mails, the ability to raise money, and the natural media attention paid to incumbents give them a distinct advantage over challengers.

Reelection rates—especially those in the House of Representatives—show that incumbents have a huge advantage over challengers. Reelection rates for House Members continue to hover near or above 90 percent. This stands as proof alone that no level playing field in elections exists.

Although no legislation can truly address all of these advantages, any reform that truly levels the playing field for challengers and incumbents must contain certain essential principles.

These principles are: First, the influence of political action committees must be lessened; second, the same rules must apply to both the House and the Senate; third, all soft money must be disclosed; fourth, in-State contributions should be favored over out-of-State contributions; Fifth, the bill should contain a severability clause; sixth, campaign fundraising should be limited to the actual election cycle; seventh, campaign committees should not pay back loans in excess of \$50,000 that candidates make to their own campaigns; eighth, taxpayer financing of campaigns should be avoided; ninth, if any legislation contains a financing formula for campaigns, it must be spelled out in detail; and tenth, incumbents should not be able to roll over large war chests from one campaign to the next.

As I examine legislation on this subject, the core concepts I just noted will guide my decisions. The current bill before the Congress is a good step in the right direction. Unfortunately, it does not go far enough in addressing the principles I mentioned.

Further, this bill contains many loopholes. Among those are the bill does not apply to races until 1995, and, according to many constitutional experts, the current bill would be found unconstitutional by the courts. Thus, I believe that if the current bill is signed into law without changes that address the core principles I have outlined, meaningful reform will not have been enacted.

Madam President, some critics and columnists have stated that we should just pass the bill before us, accepting its many flaws—some being substantial—merely because the bill would alter the status quo. We can ill afford to pass legislation that merely masks, but does not solve the many problems of the current campaign finance system.

I was not sent to Washington, DC, by the people of Arizona to rubber stamp

legislation. It would be wrong for me to be content with this legislation solely because it mandated change. Change for change's sake alone is not necessarily beneficial. On the other hand, change that results in meaningful reform, such as if the principles I have outlined are adopted, is good.

I will accept nothing less than substantive reform. The public is justifiably upset with smoke and mirrors or being told it must accept a job half done.

I have an obligation to Arizona to do what is best. I will fight for exactly that.

We now have the opportunity to pass meaningful reform. I urge my colleagues to not allow this opportunity to pass.

Madam President, first, I believe that we must do all we can to eliminate the so-called money chase by eliminating PAC's. If a complete PAC ban does not survive a constitutional challenge, then we should have a backup provision which would severely limit the amount of money they are able to give to candidates for office.

One solution is to eliminate, or extremely curtail, the ability of political action committees [PAC's] to give money to candidates. In the 1992 elections, approximately 32 percent of all funds raised for House and Senate races came from PAC's.

Statistics reveal the growing power of PAC's. The number of federally registered PAC's has grown from 608 in 1974 to 4,195 in 1992. During that same period, the amount of money contributed to Federal candidates grew from \$12.5 million to a staggering \$180.1 million—a more than 400 percent increase.

In conjunction with the elimination of PAC's, we must ensure activities such as bundling are not allowed. Bundling, where one organization groups together many small donations to be given to a candidate, has proven to be just as onerous as PAC giving. Further, bundling should not be allowed even if it is done by a nonpartisan group or an organization that does not lobby.

Second, the rules that govern elections for Federal office must be substantially the same for the House and Senate. Specifically, rules regarding contribution limits to candidates for Federal office must be exactly the same. As the distinguished majority leader has stated there is no logical reason for difference between the House and Senate to exist in this bill.

If political action committees are bad, then they are bad for both sides of the Hill. If \$5,000 contributions are excessive, then they are excessive for both the House and the Senate. If soft or sewer money needs to be regulated and disclosed, then this must be done equally for House and Senate races.

Madam President, although the rules of operation of the House and Senate differ widely, there is no rationale for

differing election rules. Clearly, any election reform measure must take into account the differences constitutionally mandated between the House and Senate. This does not, however, mandate or give credence to the argument for different rules regarding PAC contributions or soft money influence.

Third, any campaign reform bill must mandate as much disclosure as possible of money used in the campaign. All soft money used in elections must be disclosed to the public. Disclosure is one of the best, if not the best, method to clean up any real or perceived corruption and install faith in the electoral system.

Disclosure must include political party activities, but it must not be limited solely to party money. Get-out-the-vote drives and labor union political activities must also be fully disclosed. The activities of labor unions and other such organizations in the political arena can be just as damaging or helpful to the political system as is party involvement. There is no reason to exclude their activities from disclosure and public view.

Fourth, contributions from constituents should be given priority over out-of-State contributions. The people within each State or district should be able, should they choose, to donate more than out-of-State individuals. Far too many officeholders receive large sums to their campaign coffers from out of State, and thus, I believe, sometimes become disconnected from those who elected them.

Again and again we see Members of Congress who literally move their homes to Washington, DC. They become foot soldiers to the wants and wishes of lobbyists who control the Washington, DC, money pool. How can Members of Congress truly represent a district or State when the funding for their election comes from Washington, DC and not from their home State?

I will emphatically state—and I do not mean anything negative by this—the people of Arizona have different values and principles than those who live inside the Beltway. I am proud for my family and me to call Arizona, not Washington, DC, our home. I believe that others would call the State that elected them their home and not Washington, DC, if they were encouraged to spend time with their constituents.

Further, if any individual who is seeking public office does not receive contributions from inside his or her home State, then I believe that says a considerable amount about the people's opinion about that individual. Thus, in-State contributions should be given priority over out-of-State contributions.

Fifth, severability should be part of this bill. If one part of the bill is struck down as being unconstitutional, such as a complete ban on PAC's, the remainder of the bill should stand. There

is no reason to jeopardize the entire bill over any one part of it which may be found to be unconstitutional.

Sixth, campaign fundraising should be limited to the actual election cycle. The public has the perception, especially in the Senate, that Senators spend 6 years doing little else but fundraising. Although I want to state for the record that this is simply not true, this perception is harmful to this institution as a whole. This is remedied easily enough by not allowing out-of-State fundraising except during a Member's election cycle.

Seventh, campaign committees should not be allowed to pay back personal loans made by candidates to their own campaigns. This is often referred to as the millionaire's loophole. If a wealthy individual seeks public office, they are constitutionally entitled to expend their own resources on their campaign. Anyone who wishes to seek public office must be allowed to do so. That is the basis for this entire legislation.

However, it is inappropriate for someone to spend his or her own money, and then solicit contributions from other individuals so that the money can be paid back. Without this provision, a wealthy person can bankroll a campaign, win an election, and then through additional fundraising, pay back personal money spent on the campaign.

When contributors give money to a campaign it should be because they believe in the person running. Such donations are by their very nature made on the premise that they will not be paid back. Wealthy candidates should not be allowed to live by a separate, more advantageous, standard.

Eighth, if no other viable constitutional means of controlling campaign spending exist, any public financing of campaigns must be kept at a minimum. Although I believe that campaign finance reform without public financing would be optimal, and I do not believe that taxpayer financing of campaigns is the best use of tax dollars, if no other option is available, I would hope that my colleagues would control their zeal in which we allocate funds to this new entitlement program.

In conjunction with this point, it is wrong to pass a bill that mandates taxpayer funding but which does not clearly and explicitly state how such a program will be funded. Earlier this year, this Senate refused to pass the President's so-called stimulus package because it declared an emergency and was not funded from existing funds. There should not be a different standard for this measure.

If we must fund this bill, then we should do so now.

Mr. BOREN. Madam President, we are just awaiting word. The yeas and nays have been ordered on the Wellstone amendment. Some of our

colleagues are at a meeting in the White House, I believe Members of both parties.

We are just checking. We should have word in just a moment as to the time. In just a moment the managers on both sides will consult on this and we will propound a unanimous-consent request as to time of the vote on the Wellstone amendment, No. 373, as modified.

I will just announce to my colleagues it appears that vote will be at either 6 or 6:15, if unanimous consent is granted.

Madam President, in fact, I now ask unanimous consent the vote on Senator WELLSTONE's amendment, No. 373, as modified, occur at 6:15, and that no amendments to the amendment or to the language proposed be in order.

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

Mr. BOREN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

VOTE ON AMENDMENT NO. 373, AS MODIFIED

The PRESIDING OFFICER. The question is on amendment No. 373, as modified, offered by the Senator from Minnesota [Mr. WELLSTONE].

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] and the Senator from Texas [Mr. KRUEGER], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS], is necessarily absent.

The PRESIDING OFFICER (Mr. AKAKA). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 9, as follows:

{Rollcall Vote No. 124 Leg.}

YEAS—88

Akaka	Daschle	Kempthorne
Baucus	DeConcini	Kennedy
Biden	Dodd	Kerrey
Bingaman	Dole	Kerry
Bond	Domenici	Kohl
Boren	Dorgan	Lautenberg
Boxer	Durenberger	Leahy
Bradley	Exon	Levin
Breaux	Faircloth	Lieberman
Brown	Feingold	Lott
Bryan	Feinstein	Lugar
Bumpers	Ford	Mathews
Burns	Glenn	McCain
Byrd	Gorton	McConnell
Campbell	Graham	Metzenbaum
Chafee	Grassley	Mikulski
Coats	Gregg	Mitchell
Cochran	Harkin	Moseley-Braun
Cohen	Hatfield	Moynihan
Conrad	Hollings	Murkowski
Coverdell	Inouye	Murray
Craig	Johnston	Nickles
D'Amato	Kassebaum	Nunn

Packwood	Rockefeller	Stevens
Pell	Roth	Thurmond
Pressler	Sarbanes	Warner
Pryor	Sasser	Wellstone
Reid	Simon	Wofford
Riegle	Simpson	
Robb	Specter	

NAYS—9

Bennett	Hatch	Shelby
Danforth	Jeffords	Smith
Gramm	Mack	Wallop

NOT VOTING—3

Heflin	Helms	Krueger
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So the amendment (No. 373) was agreed to.

Mr. WELLSTONE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MITCHELL. Mr. President, there will be no further rollcall votes this evening.

I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CAMPAIGN FINANCE REFORM

Mr. DURENBERGER. Mr. President, a senior statesman from one of our neighboring nations to the south once told me, "When you focus on your problems, all you get are more problems. But when you focus on your opportunities, that's where you will find solutions."

As we begin this debate, I hope our focus will not be on our narrow interests as past, present, or future candidates, or as partisans, trying to deal with the problems reform could create for us. I hope the motive of this deliberation on the Senate floor will be to find ways to create opportunities for voters, for challengers, and for reinvigorating democratic institutions.

VOTER OPPORTUNITY

Our first objective should be to give voters the opportunity to participate in meaningful election campaigns.

The saddest commentary on contemporary politics is that people do not participate because they have con-

cluded that elections do not matter. How ironic that all across the globe, people walk dozens of miles, stand for hours in rain storms and snow storms, and face danger and persecution to vote, because they want to have what we have here in America. But here in America, less than a quarter of the adult population elects a President every 4 years.

We have to change that behavior. The neat way to do it is to clean up the things that turn voters off to politics, and rev up the things that turn them on to politics.

It is clear from the polls and the coffee shops that the voters have concluded that the three most important things in politics are money, special interests, and the perceived relationship between the two. In this bill, we need to restrict those sources of money that are tainted by special interest: PAC's soft money, and out-of-State fat cats. We need to replace a portion of that with clean sources like in-State contributions and a greater financial role for broadly based political parties. That gives individual voters a bigger impact.

Second, people hate the endless campaign. We can not write into law that you can not campaign until July 4th or Labor Day of election year, because that would be unconstitutional. But we can be fairly sure that campaigns with less access to cash would focus their resources on a narrower time frame, and that would help.

Third, we ought to create incentives to improve the substantive quality of campaigns. I know the sense of helplessness that Minnesotans feel over 30-second attack ads and bumper stickers. Voters clearly want more meaningful debate, more public events like citizen juries—a Minnesota invention—above all, and town meetings, and, more value for their contribution to this effort.

We need to give the voter a greater opportunity to participate in something meaningful. Contribution limits, shortening campaigns, and making them more substantive would do that.

CHALLENGER OPPORTUNITY

Our second objective in this bill should be to make the election more competitive by giving greater opportunities to challengers.

People are not going to show up to watch the Phoenix Suns play a high school basketball team. Legitimate competition is what makes politics meaningful, and there is no way that can happen without incumbents surrendering current advantages.

Well, unfortunately, Mr. President, the 100 of us here and our 435 colleagues in the House may be the least qualified people in America to help challengers. Some of us were challengers once, but many of us never were. And those that were may not remember what it was like. That means

we have to be tougher on ourselves than we want to be.

We need to deal decisively with PAC's. The perception that special interests control the system through PAC's is bad enough. But it is nothing compared to the reality that PAC's slant the playing field in favor of incumbents. Soft money does the same thing.

We need to resist the temptation to take half-way measures. Do not forget that PAC's were the reform of the mid-1970's, and they have grown into the central problem. Mr. President, abstinence is easier than moderation. Unless we do take bold steps, we run the risk, especially among House Democrats, of being described as the ultimate special interest in this debate. So I congratulate the majority for including a PAC ban in this legislation.

Having made that courageous choice, we need to move to allow campaigns to replace those funds with cleaner sources, like political parties, small in-State contributions, and some price breaks on advertising and mail costs. I commend the President for the provisions in this bill which strengthen the role of the parties.

These efforts, limitations on PAC's and out-of-State money, limitations on soft money, and reasonable spending limits, create opportunities for challengers by flattening out the financial playing field elections are played on.

REINTEGRATING DEMOCRATIC INSTITUTIONS

Third, we need to embrace the opportunity we have for true bipartisan reinvigoration of our democratic institutions.

Mr. President, the first mark of a good campaign reform bill must be that it has support from both Republicans and Democrats. No one should mistake this debate from the normal sound and fury of the legislative process. This is not about how we spend money or raise taxes. This is about how the American people decide who it is that will make all those decisions. So we should proceed with utmost care. Because we are working very close to the core of this democracy: 51 to 49 is not the threshold by which we should approve a bill of this importance. Nor is 57-43.

Having said that, let me make the point that campaign reform is really like picking a health plan: you can only make changes during the open season. The first year after a Presidential election, when the political juices are at their lowest ebb, is the best time to change. Open season is now: this chance may not come again until 1997. Does anyone here believe we can wait that long?

As we start this debate, however, I see so many hurdles and obstacles, that it is easy to despair. The administration's proposal was not, to my mind, a step forward. It bowed to the dependence of Democrats in the House on

large PAC donations. It preserved incumbent advantages by allowing large PAC contributions on top of generous taxpayer handouts to incumbents and leaving challengers to raise the rest of their money the hard and expensive way. It created a confusing and ethically ambivalent two-tiered system with some money being alright in the House but banned in the Senate, and vice versa.

We need to take on the issues of money, substance, and time, hold the key to a resurgence in political involvement in this country, or a hastening decline which leads who knows where.

Mr. President, it is my conviction that bold, bipartisan campaign reform is within our grasp this year. But it is going to take a lot of vision and a lot of good faith by everybody involved to get the job done. If we can keep our eyes on the goal of opportunity for voters, for challengers, and for genuine reinvigoration of our institutions—and not look only at our problems—we can lead America into a new era of democracy.

Mr. President, I yield the floor.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein.

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

NEW PROPOSALS TO REFORM UNITED NATIONS PEACEKEEPING

Mr. PELL. Mr. President, I ask consent that a fascinating new essay by Brian Urquhart, former Under Secretary General of the United Nations, entitled "For a U.N. Volunteer Military Force," be inserted in the RECORD at the conclusion of my remarks. Mr. Urquhart's analysis will appear in the June 10, 1993, issue of the New York Review of Books. His views will add an important voice to the emerging debate on the role of the United Nations in international peacekeeping.

As one of the participants in the 1945 San Francisco Conference on the Founding of the United Nations, I remember well the debate pertaining to article 43 under chapter VII of the Charter of the United Nations, concerning "Action With Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression," which called on member states to make available armed forces for the purpose of maintaining international peace and security.

Brian Urquhart suggests that, "the inability of the Security Council to enforce its decisions in less conventional military situations is the most serious setback for the world organization since the end of the cold war." To com-

pensate for this problem, he further suggests that a small volunteer force of light infantry be recruited as a permanent and highly trained unit capable of intervening at the Security Council's direction in the early stage of an international crisis. As he persuasively argues, intervention early on may reduce the risk of small crises turning into larger ones.

His recommendations deserve serious consideration. Having been present at the United Nations creation, I believe the international community is at a turning point in that organization's role in the 21st century. The failure of the international community to deal effectively with international crises, such as in the former Yugoslavia and in Cambodia, affects, as Mr. Urquhart observes, "the credibility and relevance of international organizations."

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

FOR A U.N. VOLUNTEER MILITARY FORCE

(By Brian Urquhart)

The recent vast expansion of the United Nations' peace-keeping commitments has sorely tested the UN's ability to intervene in violent local conflicts before they get out of hand, as well as its willingness to place soldiers at risk when they do. Though UN forces have achieved major successes in such places as Namibia, El Salvador, and the Golan Heights, they have faced increasing difficulty elsewhere. In Cambodia, lightly armed peace-keepers are shot at, harassed, and even killed with impunity. In Angola, a tiny contingent of UN monitors has been overwhelmed by a rebel army determined to get its way by force of arms. In Mozambique, it has taken months for the UN to convince governments to contribute troops to an urgent mission in a situation that has not yet caught the attention of the Western press and television.

Above all, the tragedy of Bosnia has shown that international organizations are not able to deal effectively, and when necessary forcefully, with violent and single-minded factions in a civil war. The reluctance of governments to commit their troops to combat in a quagmire is understandable. Yet the Bosnian Muslims, among others, have paid a terrible price, and the credibility and relevance of international organizations are dangerously diminished. How can such impotence be prevented in the future? A stillborn idea from the past may suggest an answer.

The first Arab-Israeli war in 1948 was also the first major test of the UN's ability to make its decisions stick. In a speech at Harvard during that tumultuous summer, the first secretary-general of the UN, Trygve Lie, proposed the establishment of a "comparatively small UN guard force *** recruited by the Secretary-General and placed at the disposal of the Security Council." Lie argued that "even a small United Nations force would command respect, for it would have all the authority of the United Nations behind it."¹ The kind of task he had in mind for such a force was to put an end to factional fighting in Jerusalem and to shore up the truce decreed by the Security Council.

In fact, the UN Charter had originally envisaged something much more ambitious.

One of the great innovations of the Charter was the provision, in Article 43, for member nations to make military forces available to the Security Council. It is worth recalling the scale on which action by the Security Council was originally envisaged. The United States estimate of the forces it would supply under Article 43, which was by far the largest, included twenty divisions—over 300,000 troops—a very large naval force, 1,250 bombers, and 2,250 fighters. However, by 1948, action along the lines of Article 43 had already been frozen by the cold war and by Soviet insistence that the great powers must make exactly equal contributions.

In Palestine the Arab states had rejected the UN partition decision and had gone to war to suppress the new state of Israel. Trygve Lie regarded this challenge to the UN's authority as a vital test of the organization's effectiveness in dealing with breaches of international peace and security and, faced with the paralysis of the Charter provisions for military forces, he proposed a UN legion. Lie's proposal attracted considerable public attention but no governmental support at all.

Forty-five years later, in the milder post-cold war political climate, it may be time to revive Trygve Lie's idea. The Security Council is today able to reach unanimous decisions on most of the important questions that come before it. The Council's problem now is how to make these decisions stick. The technique of peace-keeping without using force has often proved effective in conflicts between states, whether in the Middle East, Cyprus, or Africa. Predictably enough, in chaotic and violent situations within states or former states, peace-keeping forces have been unable to impose the Security Council's decisions on partisan militias and other nongovernmental groups, particularly when they are being manipulated indirectly by governments.

Although international enforcement action was successfully used against Iraq in Operation Desert Storm, the inability of the Security Council to enforce its decisions in less conventional military situations is the most serious setback for the world organization since the end of the cold war. Bosnia provides a particularly poignant example of this failure, but there are, or may well be, others—Angola and Cambodia, for example, and, before the US intervention there, Somalia. There will certainly be future conflicts in which an early display of strength by the Security Council will be needed if later disasters are to be prevented.

At the moment, the Security Council is often reduced to delivering admonitions or demands which have little or no impact on the actual situation. Like the legendary King Canute, it orders the waves to go back with small hope of practical results.

Whether or not it is too late to relieve the tragedy of Bosnia, it is essential to give the necessary authority and strength to the Security Council to deal with such situations more effectively in the future. The capacity to deploy credible and effective peace enforcement units, at short notice and at an early stage in a crisis, and with the strength and moral support of the world community behind them, would be a major step in this direction. Clearly, a timely intervention by a relatively small but highly trained force, willing and authorized to take combat risks and representing the will of the international community, could make a decisive difference in the early stages of a crisis.

Retrospective speculation about what might have been done at an early stage in

Bosnia may have little value; the problem itself was, and is, uniquely complex. It is possible, however, that a much tougher early reaction to interference with humanitarian aid and to breaches of the cease-fire might have deterred the Serbian forces from their later excesses, particularly if it had been made clear that the small UN force would, if necessary, have had air and other strategic support from member states. In other words, a determined UN peace enforcement force, deployed before the situation had become desperate, and authorized to retaliate, might have provided the basis for a more effective international effort.

At the present time, financial, military, and political obstacles all combine to make such early intervention difficult or impossible. It is by now very clear that few, if any, governments are willing to commit their own troops to a forceful ground role in a situation which does not threaten their own security and which may well prove to be both violent and open-ended. National leaders are naturally reluctant to commit troops to distant operations in which they may sustain more than a few casualties.

The new unanimity of the Security Council on important problems, the confused intrastate conflicts now confronting the UN, and the natural reluctance of governments to involve their own forces in violent situations where their own interest and security are not involved—all these point strongly to the need for a highly trained international volunteer force, willing, if necessary, to fight hard to break the cycle of violence at an early stage in low-level but dangerous conflicts, especially ones involving irregular militias and groups. This is not a new idea. In *An Agenda for Peace* Secretary-General Boutros Boutros-Ghali recommended "peace enforcement" units from member states, which would be "available on call and would consist of troops that have volunteered for such service."²

An international volunteer force would be under the exclusive authority of the Security Council and under the day-to-day direction of the secretary-general. To function effectively, it would need the full support of members of the United Nations. Such support should include, if necessary, air, naval, and other kinds of military action. The volunteer force would be trained in the techniques of peace-keeping and negotiation as well as in the more bloody business of fighting.

A UN volunteer force would not, of course, take the place of preventive diplomacy, traditional peace-keeping forces, or of large-scale enforcement action under Chapter VII of the Charter, such as Desert Storm. It would not normally be employed against the military forces of states. It would be designed simply to fill a very important gap in the armory of the Security Council, giving it the ability to back up preventive diplomacy with a measure of immediate peace enforcement. As Secretary-General Boutros Boutros-Ghali has recommended in *An Agenda for Peace*, the Security Council should "consider the utilization of peace enforcement units in clearly defined circumstances and with their terms of reference specified in advance."³

There can be little doubt that there would be more than enough volunteers from around the world for an elite peace force of this kind. Thousands of men and women would apply, many of them with extensive military

¹Trygve Lie, *In the Cause of Peace* (Macmillan, 1964), p. 98.

²*An Agenda for Peace* (United Nations, 1992), p. 26.

³*An Agenda for Peace*, p. 26.

experience. The problem would be to select, organize, and train the best of them, develop a command and support structure, and form them into suitable operational units. All of this would take time, strong leadership and expertise, and, of course, money.

Situations in which such a force is urgently needed are likely to develop long before an international, volunteer UN peace force could be ready to take the field. An interim solution would be to recruit such a force from volunteers from national armies, as is suggested in *An Agenda for Peace*. Such volunteers would already be trained and might even make up national subunits in a UN volunteer force. To have volunteers from national armies serving together in such subunits would simplify administration and problems of command. The volunteer status of such troops should go far to relieve governments of inhibiting concerns about casualties and open-ended commitments that now make them unwilling to commit their national forces to such tasks. Volunteers from national armed forces could serve for limited periods with the permission of their national establishments, and could then return to their national armed forces. Meanwhile, the development of a permanent, standing UN volunteer force could go forward.

Any number of possible objections can be posed to the idea of a UN volunteer force. Until quite recently I myself, after a long association with UN peace-keeping, would have argued against it. The idea will certainly raise, in some minds at least, the specter of supranationality that has always haunted the idea of a standing UN army. If, however, the force can only be deployed with the authority of the Security Council, the necessary degree of control by member governments is guaranteed. The main difference from peace-keeping will be the role, the volunteer nature, and the immediate availability of the force.

The question of expense inevitably arises. As a rough guide, it has been estimated elsewhere that a five-thousand-strong light infantry force would cost about \$380 million a year to maintain and equip, if surplus equipment could be obtained below cost from governments.⁴ The total cost of peace-keeping operations in 1992 was \$1.4 billion, and it will be much more in 1993. The average ratio of expenditure between UN peace-keeping costs and national military outlays is of the order of \$1 to \$1,000. Units from a highly trained volunteer force might also replace traditional peace-keeping forces in some situations, thus reducing costs for traditional peace-keeping. Most important, the possibility of the UN intervening convincingly at an early stage in a crisis would almost certainly provide, in the long term, for a large reduction in the complication and expense that belated intervention almost invariably entails. The delay in intervening in Somalia, for example, certainly created a much larger disaster, which in turn necessitated a much larger international response.

Finally, it may be feared that a UN volunteer force will run the risk of acquiring a "mercenary" image. Outstanding leadership, high standards of recruitment, training, and performance, and dedication to the principles and objectives of the UN should help to address such concerns.

There is one overwhelmingly good reason for creating a UN volunteer force: the condi-

tions of the post-cold war world and the new challenges faced by the United Nations urgently demand it. The UN was founded nearly fifty years ago primarily as a mechanism for dealing with disputes and conflicts between states. It is now increasingly perceived, and called upon, as an international policeman and world emergency service. The Security Council lacks the capacity for the kind of swift and effective action that could give it the initiative in the early stages of a low-level conflict. Obviously, intensive thought would have to be given to the many problems involved in such an enterprise—selection, training, command, size, location, organization, discipline and loyalty, rules of engagement, legal status, logistical and other support, and, of course, financing. The cooperation of national military establishments would be essential, especially in such matters as air and logistical support.

It will take much imaginative effort for a UN volunteer force of this kind to become a working reality. As its experience and reputation grew, however, its need to use force would certainly decrease. Its existence, known effectiveness, and immediate availability would in themselves be a deterrent to low-level violence and would give important support for negotiation and peaceful settlement. It could become a decisively useful part of the machinery of the Security Council.

In 1948 Trigve Lie sadly concluded that a UN legion:

would have required a degree of attention and imagination on the part of men in charge of the foreign policies of the principal Member nations that they seemed to be unable to give * * * to projects for strengthening directly the authority and prestige of the United Nations as an institution.⁵ Forty-five years and millions of casualties later, the time has come to summon up that attention and imagination.

NEW YORK CITY BAR ASSOCIATION LETTER ADVOCATES CREATION OF A STANDBY U.N. MILITARY FORCE

Mr. PELL, Mr. President, the Association of the Bar of the City of New York on February 2, 1993, sent a letter to President Clinton urging that our Government give serious consideration to supporting the creation of a permanent standby U.N. military force available for peacemaking and peace enforcement pursuant to articles 40 and 43 of the U.N. Charter.

The letter is a carefully researched analysis signed by association president John D. Feerick and drafted by H. Francis Shattuck, Jr., of the association's Council on International Affairs which is chaired by Ruth Wedgwood.

The letter notes that establishing a U.N. force could eliminate delays when the Security Council decides on military measures, and would, "help assure that the U.N. itself—and not the United States—will be and will be looked to as the U.N. police force wherever * * * police action becomes necessary."

The letter's fundamental rationale is that standby U.N. military forces

would better enable the United Nations to, "deter and stop major aggression, protect humanitarian relief missions, deter or stop genocidal killings, and * * * enforce truce and peace agreements."

The letter makes clear that the United States' veto right in the Security Council as well as the U.S. Constitution and existing legislation adequately address the concerns that our Government needs to retain the right to approve making troops available to the United Nations, and that we will retain the final decision as to their use.

Mr. President, I have long advocated a similar position. My interest in this subject goes back to the founding of the United Nations in San Francisco in 1945 when I assisted the working group drafting the articles of the U.N. Charter providing for such military arrangements.

The recent experience in Somalia in which United States forces for the first time are deployed under a non-United States, United Nations command, has demonstrated anew the role that such forces can play. There have been many other peacekeeping missions which would have benefited from the existence of a standby U.N. military force.

In more challenging situations, such as Bosnia, a standby force would clearly have to be augmented by national forces, either directly or through a military alliance such as NATO. If there had been a standby force 1 or 2 years ago, it might have been possible to deploy it then with greater effectiveness than is possible now.

But there is a middle range of situations in which a standby U.N. force, able to move and act quickly at the direction of the Security Council, could make the difference in keeping a specific problem contained, limited in scope and ferocity, and preventing it from spreading or escalating.

Mr. President, I ask unanimous consent that excerpts from the text of the letter from the New York Bar Association calling for creation of a standby U.N. military force, be printed in the RECORD at this point.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

FEBRUARY 2, 1993.

Hon. WILLIAM J. CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: The purpose of this letter is to urge that in the interest of promoting and enforcing the rule of law in international affairs and strengthening the United Nations, our government continue to give the most serious consideration to the recommendation in the recent report of the United Nations' Secretary-General that:

(1) a permanent standby U.N. military force available for peacemaking be created pursuant to Article 43 of the U.N. Charter, and

(2) a volunteer standby U.N. military force on call for peace enforcement missions be created now as a provisional measure under Article 40 of the U.N. Charter.

⁴John M. Lee, Robert Von Pagenhardt, and Timothy W. Stanley, with a foreword by Robert S. MacNamara, *To Unite Our Strength* (Economic Studies Institute, 1992).

⁵Lie, *In the Cause of Peace*, p. 99.

Although the Secretary-General appears to have suspended for the time being his efforts to establish a U.N. force under Article 43, he continues to press for the creation of peace enforcement units. We believe these objectives are equally important and should be pursued simultaneously.

Since 1947 lightly armed so-called "peace-keeping" forces have been utilized increasingly. Such forces, under U.N. command, not even mentioned in the U.N. Charter, are used only with the consent of all parties. Primarily they observe or monitor geographic borders and demilitarized zones in truce and settlement agreements. Their missions, however, have grown in complexity, e.g. protection of relief efforts (Somalia and Bosnia), organizing or even supervising elections (Namibia, Angola, Cambodia), administering the surrender of arms (Cambodia, El Salvador), verifying performance of human rights undertakings (El Salvador), virtually acting temporarily as a governmental authority (Cambodia).

Some missions, depending on the circumstances, require heavily armed units capable of enforcing as distinguished from simply monitoring peace or truce terms already agreed. Such troops have been called "peace enforcement" or "cease fire enforcement" units. It is this peace enforcing role at which the Secretary General's second recommendation is directed.

* * * * *

In order to obtain even so-called "peace-keeping" troops to monitor a cease fire or other settlement agreement, the U.N. must also await an offer of troops and equipment from one or more of its members or a response to a request for troops from the Secretary General. Several Nordic countries already maintain standby peacekeeping forces for U.N. use. However, the Secretary-General recently reported that three or four months can elapse between authorization of a peacekeeping mission by the Security Council and the startup of operations—an unconscionable delay. Thus, the Security Council has in effect been denied quick access to several essential tools—these three types of forces: peacemaking forces to stop aggression, peace enforcement units and peacekeeping forces. It is reduced to the role of suppliant for forces to carry out its decisions.

Had U.N. forces been promptly deployed on the Iran/Iraq border in 1980 or at the Kuwait/Iraq border in 1990, perhaps coupled with a show of force by the U.N., the ensuing wars might not have occurred. Had standby U.N. forces, including air and naval units, been available for rapid deployment at the beginning of events in Somalia and Bosnia, the situations in both these countries would almost certainly be different today. Had standby heavily armed peace enforcement units been available for rapid deployment against the Khmer Rouge in Cambodia and against the Savimbi rebels in Angola, the U.N. would have been in a stronger position to enforce the agreed settlement terms in these countries.

In short, with standby peacemaking Article 43 forces and standby Article 40 peace enforcement forces in place, it would be far more possible for the U.N. to deter and stop major aggression, protect humanitarian relief missions, deter or stop genocidal killings, and to enforce truce and peace agreements. The mere existence of such forces in some cases would act as a deterrent to aggression, to the non observance of truce or peace agreements and other unlawful actions and give the U.N. sorely needed leverage in its role as a peacemaker. Further, the

U.N. could concern itself less with the question of how and where its forces would come from and more with whether and how to use such force.

Even if such forces were incapable of stopping a conflict between major powers, there can be no doubt of their usefulness stopping smaller conflicts—which unless stopped early, can widen to embroil additional states, e.g., that in Bosnia-Herzegovina.

Finally, the existence of such forces would help to assure that the U.N. itself—and not the United States—will be and will be looked to as the U.N. police force wherever substantial police action becomes necessary. This in turn means that the burden of military operations in terms of money, troops, equipment and supplies would be shared more equitably.

We are pleased to note that the Security Council has recently requested members to notify the Secretary General of what types of forces, equipment and facilities they could make available on short notice. However, at most we see this as a first step in developing standby arrangements for performing peace enforcement missions.

We see no insuperable problems in establishing either type of U.N. standby force urged by the Secretary General.

"FINAL DECISION" AS TO USE

President Bush, in his remarks of September 21, 1992 to the U.N. after welcoming the call of the Secretary General for trained military units available on short notice, said states must retain the "final decision" on the use of such troops. Speaking for the U.S. he was conceivably referring to the President's constitutional powers as commander in chief of U.S. forces. As Robert Turner concluded in a prepared statement for the Senate Committee on Foreign Relations, it would seem clear that while the President may delegate some of his military responsibilities, he is not constitutionally empowered to transfer irrevocably the command of U.S. forces. Consequently, he retains the power to recall U.S. forces.

In any event, any state could both in making peace enforcement units available now and in entering into any agreement under Article 43 expressly reserve the right to recall such troops. For the United States, this approach has a belt and suspenders aspect because of the unqualified right of veto which the U.S. already has in the Security Council itself—the only body empowered to request troops and to deploy them.

Against this approach it can be argued that the right to recall troops could tend to undermine the success of any operation. Until nations are prepared to waive that right this possibility is inevitable. However, the likelihood of its being exercised often would seem relatively small.

APPROVALS PRIOR TO USE OR DEPLOYMENT

In his September 21 remarks to the United Nations, President Bush also said that such troops should be available "with the approval of the governments providing them."

To require such prior approval each time forces are requested and deployed, whether for peace enforcement, peacekeeping or as Article 43 forces, is, it would appear one of the major causes of the situation today of protected delays built into the system before troops can even be made available.

We believe in the U.S. it is possible to reconcile the need for speed deploying or stationing such forces when required with the stated need for approval by governments

(a) Article 43 troops

As to Presidential approval, each time Article 43 troops are requested the President of

the United States would have to approve the request for their deployment and any decision as to their use. Both require a decision by the Security Council in which the U.S. through its president has a veto.

* * * * *

In short, a well-trained, combat-ready standby U.N. military force is an idea whose time is overdue. We urge its implementation, in a manner which eliminates counterproductive delays once the Security Council has decided to take military measures.

Sincerely,

JOHN D. FEERICK,
*President of the Association of the Bar of
the City of New York.*

REPORT ON SERBIA AND MONTENEGRO—MESSAGE FROM THE PRESIDENT—PM 24

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) is to continue in effect beyond May 30, 1993, to the *Federal Register* for publication.

The circumstances that led to the declaration on May 30, 1992, of a national emergency have not been resolved. The Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to support groups seizing and attempting to seize territory in the Republics of Croatia and Bosnia-Herzegovina by force and violence. The actions and policies of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) pose a continuing unusual and extraordinary threat to the national security, vital foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to reduce its ability to support the continuing civil strife and bloodshed in the former Yugoslavia.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 25, 1993.

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO SERBIA AND MONTENEGRO—MESSAGE FROM THE PRESIDENT—PM 25

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

On May 30, 1992, in Executive Order No. 12808, President Bush declared a national emergency to deal with the threat to the national security, foreign policy, and economy of the United States arising from actions and policies of the Governments of Serbia and Montenegro, acting under the name of the Socialist Federal Republic of Yugoslavia or the Federal Republic of Yugoslavia, in their involvement in the support for groups attempting to seize territory in Croatia and Bosnia-Herzegovina by force and violence utilizing, in part, the forces of the so-called Yugoslav National Army (57 FR 23299, June 2, 1992). The present report is submitted pursuant to 50 U.S.C. 1641(c) and 1703(c). It discusses Administration actions and expenses directly related to the exercise of powers and authorities conferred by the declaration of a national emergency in Executive Order No. 12808 and to expanded sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) (the "FRY (S/M)") contained in Executive Order No. 12810 of June 5, 1992 (57 FR 24347, June 9, 1992), Executive Order No. 12831 of January 15, 1993 (58 FR 5253, January 21, 1993), and Executive Order No. 12846 of April 26, 1993 (58 FR 25771, April 27, 1993).

1. Executive Order No. 12808 blocked all property and interests in property of the Governments of Serbia and Montenegro, or held in the name of the former Government of the Socialist Federal Republic of Yugoslavia or the Government of the Federal Republic of Yugoslavia, then or thereafter located in the United States or within the possession or control of U.S. persons, including their overseas branches.

Subsequently, Executive Order No. 12810 expanded U.S. actions to implement in the United States the U.N. sanctions against the FRY (S/M) adopted in United Nations Security Council Resolution No. 757 of May 30, 1992. In addition to reaffirming the blocking of FRY (S/M) Government property, this order prohibits transactions with respect to the FRY (S/M) involving imports, exports, dealing in FRY-origin property, air and sea transportation, contract performance, funds transfers, activity promoting importation or exportation or dealings in property, and official sports, scientific, technical, or cultural representation of the FRY (S/M) in the United States.

Executive Order No. 12810 exempted from trade restrictions (1) transshipments through the FRY (S/M), and (2) activities related to the United Nations Protection Force ("UNPROFOR"), the Conference on Yugoslavia, or the European Community Monitor Mission.

On January 15, 1993, President Bush issued Executive Order No. 12831 to implement new sanctions contained in United Nations Security Council Resolution No. 787 of November 16, 1992. The order revokes the exemption for transshipments through the FRY (S/M) contained in Executive Order No. 12810; prohibits transactions within the United States or by a U.S. person relating to FRY (S/M) vessels and vessels in which a majority or controlling interest is held by a person or entity in, or operating from, the FRY (S/M), and states that all such vessels shall be considered as vessels of the FRY (S/M), regardless of the flag under which they sail. Executive Order No. 12831 also delegates discretionary authority to the Secretary of the Treasury, in consultation with the Secretary of State, to prohibit trade and financial transactions involving any areas of the former Socialist Federal Republic of Yugoslavia as to which there is inadequate assurance that such transactions will not be diverted to the benefit of the FRY (S/M).

On April 26, 1993, I issued Executive Order No. 12846 to implement in the United States the sanctions adopted in United Nations Security Council Resolution No. 820 of April 17, 1993. That resolution called on the Bosnian Serbs to accept the Vance-Owen peace plan for Bosnia-Herzegovina and, if they failed to do so by April 26, called on member states to take additional measures to tighten the embargo against the FRY (S/M) and Serbian-controlled areas of Croatia and Bosnia-Herzegovina.

Effective 12:01 a.m. e.d.t., April 26, 1993, Executive Order No. 12846: (1) blocks all property and interests in property of businesses organized or located in the FRY (S/M), including the property of their U.S. and other foreign subsidiaries, that are in or later come within the United States or the possession or control of U.S. persons, including their overseas branches; (2) confirms the charging to the owners or operators of property blocked under this order or Executive Orders No. 12808, No. 12810, or No. 12831 all expenses incident to the blocking and maintenance of such property, requires that such expenses be satisfied from sources other than blocked funds, and permits such property to be sold and the proceeds (after payment of expenses) placed in a blocked account; (3) orders (a) the detention pending investigation of all nonblocked vessels, aircraft, freight vehicles, rolling stock, and cargo within the United States suspected of violat-

ing United Nations Security Council Resolutions No. 713, No. 757, No. 787, or No. 820, and (b) the blocking of such conveyances or cargo if a violation is determined to have been committed, and permits the liquidation of such blocked conveyances or cargo and the placing of the proceeds into a blocked account; (4) prohibits any vessel registered in the United States, or owned or controlled by U.S. persons, other than U.S. naval vessels, from entering the territorial waters of the FRY (S/M); and (5) prohibits U.S. persons from engaging in any transactions relating to the shipment of goods to, from, or through United Nations Protected Areas in the Republic of Croatia and areas in the Republic of Bosnia-Herzegovina under the control of Bosnian Serb forces.

Executive Order No. 12846 authorizes the Secretary of the Treasury in consultation with the Secretary of State to take such actions, and to employ all powers granted to me by the authorities cited above, as may be necessary to carry out the purposes of that order. The sanctions imposed in the order do not invalidate existing licenses or authorizations issued pursuant to Executive Orders No. 12808, No. 12810, or No. 12831 except as those licenses and authorizations may thereafter be terminated, suspended, or modified by the issuing Federal agencies, but otherwise the sanctions apply notwithstanding any preexisting contracts, international agreements, licenses, or authorizations.

2. The declaration of the national emergency on May 30, 1992, was made pursuant to the authority vested in the President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3 of the United States Code. The emergency declaration was reported to the Congress on May 30, 1992, pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)). The additional sanctions set forth in Executive Orders No. 12810, No. 12831, and No. 12846 were imposed pursuant to the authority vested in the President by the Constitution and laws of the United States, including the statutes cited above, section 1114 of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1514), and section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c).

3. Since the last report, the Office of Foreign Assets Control of the Department of the Treasury ("FAC"), in consultation with the Department of State and other Federal agencies, issued the Federal Republic of Yugoslavia (Serbia and Montenegro) Sanctions Regulations, 31 C.F.R. Part 585 (58 FR 13199, March 10, 1993—the "Regulations"), to implement the prohibitions contained

in Executive Orders No. 12808, No. 12810, and No. 12831. A copy of the Regulations is enclosed with this report. The seven general licenses discussed in the last report were incorporated into the Regulations. The Regulations contain general licenses for certain transactions incident to: the receipt or transmission of mail and informational materials and for telecommunications transmissions between the United States and the FRY (S/M); the importation and exportation of diplomatic pouches; certain transfers of funds or other financial or economic resources for the benefit of individuals located in the FRY (S/M); the importation and exportation of household and personal effects of persons arriving from or departing to the FRY (S/M); transactions related to nonbusiness travel by U.S. persons to, from, and within the FRY (S/M); and transactions involving secondary-market trading in debt obligations originally incurred by banks organized in Slovenia, Croatia, Bosnia-Herzegovina, and Macedonia.

On January 15, 1993, FAC issued General Notice No. 2, entitled "Notification of Status of Yugoslav Entities." A copy of the notice is attached. The list is composed of government, financial, and commercial entities organized in Serbia or Montenegro and a number of foreign subsidiaries of such entities. The list is illustrative of entities covered by FAC's presumption, stated in the notice, that all entities organized or located in Serbia or Montenegro, as well as their foreign branches and subsidiaries, are controlled by the Government of the FRY (S/M) and thus subject to the blocking provisions of the Executive orders. General Notice No. 2, which includes more than 400 entities, expands and incorporates the list of 284 entities identified in General Notice No. 1 (57 FR 32051, July 20, 1992), noted in the previous report.

As part of a U.S.-led allied effort to tighten economic sanctions against Yugoslavia, on March 11, 1993, FAC named 25 maritime firms and 55 ships controlled by these firms as "Specially Designated Nationals" ("SDNs") of Yugoslavia. A copy of General Notice No. 3 is attached. These shipping firms and the vessels they own, manage, or operate by using foreign front companies, changing vessel names, and re-flagging ships, are presumed to be owned or controlled by or to be acting on behalf of the Government of the FRY (S/M). In addition, pursuant to Executive Order No. 12846, the property within U.S. jurisdiction of these firms is blocked as direct or indirect property interests of firms organized or located in the FRY (S/M).

The FRY (S/M) has continued to operate its maritime fleet and trade in violation of the international economic sanctions mandated by United Nations Security Council Resolutions No. 757 and No. 787. Operations and activities

by Yugoslav front companies, or SDNs, enable the Government of the FRY (S/M) to circumvent the international trade embargo. The effect of FAC's SDN designation is to identify agents and property of the Government of the FRY (S/M), and property of entities organized or located in the FRY (S/M), and thus to extend the applicability of the regulatory prohibitions governing transactions with the Government of the FRY (S/M) and its nationals by U.S. persons to these designated individuals and entities wherever located, irrespective of nationality or registration. U.S. persons are prohibited from engaging in any transaction involving property in which an SDN has an interest, which includes all financial and trade transactions. All SDN property within the jurisdiction of the United States (including financial assets in U.S. bank branches overseas) is blocked.

The two court cases in which the blocking authority was challenged as applied to FRY (S/M) subsidiaries and vessels in the United States remain pending at this time. In one case, the plaintiffs have challenged the application of Executive Order No. 12846, and the challenge remains to be resolved. The other case is presently pending before a U.S. Court of Appeals.

4. Over the past 6 months, the Departments of State and the Treasury have worked closely with European Community (the "EC") member states and other U.N. member nations to coordinate implementation of the sanctions against the FRY (S/M). This has included visits by assessment teams formed under the auspices of the United States, the EC, and the Conference for Security and Cooperation in Europe (the "CSCE") to states bordering on Serbia and Montenegro; deployment of CSCE sanctions assistance missions ("SAMS") to Albania, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Hungary, Romania, and Ukraine to assist in monitoring land and Danube River traffic; bilateral contacts between the United States and other countries with the purpose of tightening financial and trade restrictions on the FRY (S/M); and establishment of a mechanism to coordinate enforcement efforts and to exchange technical information.

5. In accordance with licensing policy and the Regulations, FAC has exercised its authority to license certain specific transactions with respect to the FRY (S/M) that are consistent with the Security Council sanctions. During the reporting period, FAC has issued 163 specific licenses regarding transactions pertaining to the FRY (S/M) or assets it owns or controls, bringing the total as of April 30, 1993, to 426. Specific licenses have been issued for (1) payment to U.S. or third-country secured creditors, under certain narrowly defined circumstances, for pre-embargo import

and export transactions; (2) for legal representation or advice to the Government of the FRY (S/M) or FRY (S/M)-controlled clients; (3) for restricted and closely monitored operations by subsidiaries of FRY (S/M)-controlled firms located in the United States; (4) for limited FRY (S/M) diplomatic representation in Washington and New York; (5) for patent, trademark and copyright protection, and maintenance transactions in the FRY (S/M) not involving payment to the FRY (S/M) Government; (6) for certain communications, news media, and travel-related transactions; (7) for the payment of crews' wages and vessel maintenance of FRY (S/M)-controlled ships blocked in the United States; (8) for the removal from the FRY (S/M) of manufactured property owned and controlled by U.S. entities; and (9) to assist the United Nations in its relief operations and the activities of the U.N. Protection Force. Pursuant to United Nations Security Council Resolutions No. 757 and No. 760, specific licenses have also been issued to authorize exportation of food, medicine, and supplies intended for humanitarian purposes in the FRY (S/M).

During the past 6 months, FAC has continued to closely monitor 15 U.S. subsidiaries of entities organized in the FRY (S/M) that were blocked as entities owned or controlled by the Government of the FRY (S/M). Treasury agents performed on-site audits and reviewed numerous reports submitted by the blocked subsidiaries. Subsequent to the issuance of Executive Order No. 12846, operating licenses issued for U.S.-located Serbian or Montenegrin subsidiaries or joint ventures were revoked and the U.S. entities closed for business.

The Board of Governors of the Federal Reserve Board and the New York State Banking Department again worked closely with FAC with regard to two Serbian banking institutions in New York that were closed on June 1, 1992. Full-time bank examiners continue to be posted in their offices to ensure that banking records are appropriately safeguarded.

During the past 6 months, U.S. financial institutions have continued to block funds transfers in which there is an interest of the Government of the FRY (S/M). Such transfers have accounted for an additional \$24.5 million in blocked Yugoslav assets since the issuance of Executive Order No. 12808.

To ensure compliance with the terms of the licenses that have been issued under the program, stringent reporting requirements are imposed. Some 350 submissions were reviewed since the last report, and more than 150 compliance cases are currently open. In addition, licensed bank accounts are regularly audited by FAC compliance personnel and by cooperating auditors from other regulatory agencies.

6. Since the issuance of Executive Order No. 12810, FAC has worked close-

ly with the U.S. Customs Service to ensure both that prohibited imports and exports (including those in which the Government of the FRY (S/M) has an interest) are identified and interdicted, and that permitted imports and exports move to their intended destination without undue delay. Violations and suspected violations of the embargo are being investigated, and appropriate enforcement actions are being taken. There are currently 39 cases under active investigation.

7. The expenses incurred by the Federal Government in the 6-month period from December 1, 1992, through May 30, 1993, that are directly attributable to the authorities conferred by the declaration of a national emergency with respect to the FRY (S/M) are estimated at \$2.9 million, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in FAC and its Chief Counsel's Office and the U.S. Customs Service), the Department of State, the National Security Council, the U.S. Coast Guard, and the Department of Commerce.

8. The actions and policies of the Government of the FRY (S/M), in its involvement in and support for groups attempting to seize and hold territory in Croatia and Bosnia-Herzegovina by force and violence, continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. The United States remains committed to a multilateral resolution of this crisis through its actions implementing the binding resolutions of the United Nations Security Council with respect to the FRY (S/M). I shall continue to exercise the powers at my disposal to apply economic sanctions against the FRY (S/M) as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 25, 1993.

MESSAGE FROM THE HOUSE

At 11:22 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of section 324(b)(6) of Public Law 102-392, the Speaker appoints Mr. FAZIO to the Commission on the Bicentennial of the United States Capitol on the part of the House.

At 2:55 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, in which it requests the concurrence of the Senate:

H.R. 588. An Act to designate the facility of the U.S. Postal Service located at 20 South

Main in Beaver, UT, as the "Abe Murdock United States Post Office Building."

H.R. 996. An Act to amend title 38, United States Code, to establish a veterans education certification and outreach program.

H.R. 1723. An Act to authorize the establishment of a program under which employees of the Central Intelligence Agency may be offered separation pay to separate from service voluntarily to avoid or minimize the need for involuntary separations due to downsizing, reorganization, transfer of function, or other similar action, and for other purposes.

H.R. 1779. An Act to designate the facility of the U.S. Postal Service located at 401 South Washington Street in Chillicothe, MO, as the "Jerry L. Litton United States Post Office Building."

The message also announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes.

MEASURES REFERRED

The following measures were read the first and second times by unanimous consent, and referred as indicated:

H.R. 588. An act to designate the facility of the U.S. Postal Service located at 20 South Maine in Beaver, UT, as the "Abe Murdock United States Post Office Building"; to the Committee on Governmental Affairs.

H.R. 996. An act to amend title 38, United States Code, to establish a veterans education certification and outreach program; to the Committee on Veterans' Affairs.

H.R. 1779. An act to designate the facility of the U.S. Postal Service located at 401 South Washington Street in Chillicothe, MO, as the "Jerry L. Litton United States Post Office Building"; to the Committee on Governmental Affairs.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1723. An act to authorize the establishment of a program under which employees of the Central Intelligence Agency may be offered separation pay to separate from service voluntarily to avoid or minimize the need for involuntary separations due to downsizing, reorganization, transfer of function, or other similar action, and for other purposes.

The Committee on the Judiciary was discharged from further consideration of the following bill; which was placed on the calendar:

H.R. 1313. An act to amend the National Cooperative Research Act of 1984 with respect to joint ventures entered into for the purpose of producing a product, process, or service.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, which were referred as indicated:

EC-849. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report on foreign ownership of U.S. agricultural land for calendar year 1992; to the Committee on Agriculture, Nutrition and Forestry.

EC-850. A communication from the Assistant Legal Adviser (Treaty Affairs), United States Department of State, transmitting, pursuant to law, the texts of international agreements and background statements; to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Technology:

Kathryn D. Sullivan, of Texas, to be Chief Scientist of the National Oceanic and Atmospheric Administration;

Mortimer L. Downey, of New York, to be Deputy Secretary of Transportation;

Douglas Kent Hall, of Kentucky, to be Assistant Secretary of Commerce for Oceans and Atmosphere;

Stephen H. Kaplan, of Colorado, to be general counsel of the Department of Transportation;

Arati Prabhakar, of Texas, to be Director of the National Institute of Standards and Technology;

D. James Baker, of the District of Columbia, to be Under Secretary of Commerce for Oceans and Atmosphere;

Clarence L. Irving, Jr., of New York, to be Assistant Secretary of Commerce for Communications and Information; and

Michael P. Huerta, of California, to be Associate Deputy Secretary of Transportation.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following officers of the U.S. Coast Guard for appointment to the grade of rear admiral:

Kent H. Williams.

James M. Loy.

John L. Linnon, Jr.

The following officers of the U.S. Coast Guard for appointment to the grade of rear admiral (lower half):

Howard B. Gehring.

Gordon G. Piche.

Paul M. Blayney.

John E. Shkor.

Paul E. Busick.

Mr. HOLLINGS. Mr. President, for the Committee on Commerce, Science, and Transportation, I also report favorably four nomination lists in the Coast Guard, which were printed in full in the CONGRESSIONAL RECORDS of February 16 and 25, 1993, and April 2 and 21, 1993, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. There being no objection, it is so ordered.

By Mr. BAUCUS, from the Committee on Environment and Public Works:

George T. Frampton, Jr., of the District of Columbia, to be Assistant Secretary for Fish and Wildlife;

Rodney E. Slater, of Arkansas, to be Administrator of the Federal Highway Administration;

Steven Alan Herman, of New York, to be an Assistant Administrator of the Environmental Protection Agency; and

David Gardiner, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. DORGAN:

S. 1015. A bill to establish a 2-year moratorium on construction and leasing of space by the Federal Government, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COHEN:

S. 1016. A bill to recognize grandparents who serve as the primary caregivers to their grandchildren and to provide assistance to such grandparents under certain programs; to the Committee on Finance.

By Mr. PRESSLER:

S. 1017. A bill to withhold all United States funds from the United Nations unless the United Nations carries out certain administrative and budgetary reforms; to the Committee on Foreign Relations.

By Mr. PRESSLER:

S. 1018. A bill to amend the War Powers Resolution to require a cost assessment with respect to certain commitments of United States Armed Forces abroad; to the Committee on Foreign Relations.

By Mr. PRESSLER:

S. 1019. A bill to require prior notification of the Congress of anticipated commitments of United States funds to United Nations peacekeeping activities in excess of available appropriations; to the Committee on Foreign Relations.

By Mr. WOFFORD (for himself, Mr. KENNEDY, and Mr. KERRY):

S. 1020. A bill to promote economic growth and job creation in the United States by facilitating worker involvement in the development and implementation of advanced workplace technologies and advanced workplace practices and by identifying and disseminating information on best workplace practices; to the Committee on Labor and Human Resources.

By Mr. INOUE (for himself, Mr. BAUCUS, Mr. CAMPBELL, Mr. FEINGOLD, Mr. HATFIELD, Mr. PELL, and Mr. WELLSTONE):

S. 1021. A bill to assure religious freedom to Native Americans; to the Committee on Indian Affairs.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 1022. A bill to prohibit the Secretary of the Interior from issuing oil and gas leases

for waters off the coast of the State of New Jersey until the year 2000, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1023. A bill to provide that no funds may be expended in fiscal year 1994 by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 164 in the April 1992 proposal for the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992-1997; to the Committee on Energy and Natural Resources.

By Mr. BRADLEY:

S. 1024. A bill to establish a demonstration program to develop new techniques to prevent coastal erosion and preserve shorelines; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CONRAD (for himself, Mr. BAUCUS, Mr. HARKIN, and Mr. FORD):

S. 1025. A bill to promote technology transfer to small manufacturers by providing for engineering students to work as interns with small manufacturers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PACKWOOD (for himself and Mr. HATFIELD):

S.J. Res. 97. A joint resolution to commemorate the sesquicentennial of the Oregon Trail; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN:

S. 1015. A bill to establish a 2-year moratorium on construction and leasing of space by the Federal Government, and for other purposes; to the Committee on Environment and Public Works.

FEDERAL BUILDING MORATORIUM ACT OF 1993

Mr. DORGAN. Mr. President, the General Services Administration has recently released its prospectus for 1994. For the coming year, the Public Buildings Service estimates that the GSA will spend \$900 million on new construction and \$2.1 billion on leases. Overall, the GSA will spend a total of \$5.1 billion on Government buildings in 1994. This is an increase of \$600 million over last year, with most of the increases occurring in leasing and construction. Even worse, the GSA estimates that Federal construction projects worth over \$11 billion are currently underway.

As the Senate considers this huge expenditure being financed by the American taxpayer, I ask my colleagues to keep in mind three very important points: First and fundamentally, this country has a budget deficit of over \$380 billion. Second, the Federal Government already owns 400,000 buildings and there is an immense amount of unused space in the Federal inventory which will continue to grow as military bases close. Third, the Clinton administration has pledged to cut the Federal work force by 10 percent. Therefore the Government will need

less space rather than more. Mr. President, let us consider these three factors the way any American family or small business planning for its future would consider them. It does not take an accountant to realize that we must put a stop to this prolific and expensive building spree, and instead begin to utilize the buildings we already have.

The legislation I am offering today will put the brakes on these ambitious building plans. I propose we set a 2-year moratorium on all new Federal construction and leasing. The moratorium will force the Federal Government to take stock of its priorities, fully utilize space currently owned and most importantly, help reduce the national deficit.

This building moratorium will force the GSA—indeed the entire Federal Government—to take stock of its current holdings and treat them in a more efficient manner. This chart shows the rise in Federal office space compared to the number of Federal workers over the past 15 years. As you can see, the Government employment rate has stayed fairly stable, while the amount of office space has continued to grow. This makes no sense. If the GSA were a private distribution, supply, and construction company, it would rank in the top 50 of the Fortune 500—and would have gone bankrupt long ago. Because of its relationship with other Government agencies, the GSA has little motivation to treat its transactions in an efficient and businesslike manner. For example, there is no financial incentive for Federal agencies to report excess property to the GSA. Therefore, the Government tends to hold onto and mothball old buildings, while continuing to build and rent new ones. Many Government properties could be recycled to more economic uses, exchanged for needed property, or sold to the private sector. This building moratorium will force Federal agencies to strategically manage and dispose of real assets in a businesslike manner, and maximize their return to the investor: the U.S. taxpayer.

The overwhelming share of Federal buildings being constructed by the GSA today is Federal courthouses. The GSA estimates court projects worth over \$1 billion are currently authorized or underway. If the GSA and the Administrative Office of the U.S. Courts have their way, this trend will continue for many years. Out of the 16 buildings submitted by the GSA for prospectus consideration for next year, 11 are U.S. courts. And the Administrative Office of the U.S. Courts claims that at least \$750 million a year—for the next 10 years—will be needed for Federal courthouse construction.

Considering that we are dramatically cutting Federal expenses in all areas, I think we must look into why the courts are advocating such large expansion plans. This chart illustrates

the growth in Federal courthouse construction as compared to the number of civil and criminal filings in Federal district courts. As you can see, there has been a dramatic expansion of courthouse space, even though civil and criminal filings have remained fairly constant. And according to the GSA's prospectus for this year, the disparity between courthouse construction and the Federal caseload will continue to grow. Those 11 courthouses the GSA plans to construct will cost over \$580 million in 1994, which is 78 percent of GSA's \$746 million construction program for this year. And of course the total construction costs for these 11 courthouses will be much higher. In fact the total construction costs will be around \$1.5 billion.

Federal courthouses are about the most expensive buildings that can be constructed. In 1990 the average cost to build accommodations for a single district court judge, in an already existing building which required no major structural changes, was approximately \$800,000. Courthouses are designed to suggest the importance of law and the court system, and that importance is expensive to convey. However, it is interesting to note that the Administrative Office of the U.S. Courts estimates that Federal courthouses cost \$45 to \$50 a square foot more than State courthouses. This is the type of excessive costs—which we cannot afford—that contributes to the need for a Federal building moratorium.

Let us examine some of the reasons given by the Federal courts for why they are growing so expansively, as well as expensively, while our Nation is trying to climb out of its most serious economic difficulties since the Great Depression.

One reason the Federal courts give for this expansion is that the federalization of crimes has put a huge new burden on the Federal courts. Well, let us look at the facts, as provided by the Administrative Office of the U.S. Courts. In 1972, the total number of criminal defendants was around 53,000. In 1982 the number of criminal defendants had actually decreased to 40,466. By 1992, the number had risen to 58,373. Thus the number was clearly fluctuated. However, it is important to note that in all years, most Federal defendants have their cases terminated prior to trial. In 1982, 26,355 of the 40,466 cases were terminated by guilty pleas, 1,037 were resolved by nolo pleas, and 7,051 were dismissed. In 1992, 42,339 of the 58,373 cases were terminated through guilty pleas, 530 were terminated by nolo pleas, and 8,328 were dismissed by the court. Thus, in 1982 there were only 6,023 defendants who were actually tried and found to be either innocent or guilty by a Federal court. In 1992, the number of defendants actually convicted or found innocent in Federal court had grown to 7,176. Thus, while

the number of criminal trials has grown, I do not believe the addition of 1,153 criminal trials to the Federal court system justifies this huge growth in new Federal courthouses.

Of course, the Federal courts have traditionally handled many more civil cases than criminal cases. However, as with criminal cases, the number of Federal civil cases has not dramatically increased. In fact, the civil caseload for Federal courts had actually been declining for 4 years before rising slightly this past year. And much of this year's increase was the result of the Government's renewed efforts to recover on defaulted student loans and veterans benefits. Clearly then, trends in civil litigation are not the reason why this ambitious Federal court building program is warranted.

Finally, bankruptcy filings have supposedly caused the Federal courts to need much more space. It is true that these filings have grown at an enormous rate over the past 12 years. Last year, the number of bankruptcies rose 11 percent, reaching almost 1 million. However, most of these increases were in personal bankruptcies. In fact, more than 900,000 of these cases were personal bankruptcies. These cases are hardly similar to the huge litigation morass which occurs when a major company files for Federal protection. Personal bankruptcies do not allow court approved workouts. Rather they simply entail distribution of the debtor's nonexempt assets by a bankruptcy trustee or administrator. It is also important to note that the growth in bankruptcy filings has eased. During the last three quarters of 1992 the national increase was less than 3 percent, the smallest increase in more than 8 years. According to the Administrative Office of the U.S. Courts, the decline is likely to continue.

Finally, to put the Federal court caseload into perspective, I think it is important to consider what their State counterparts are faced with. In U.S. district courts, the average number of criminal filings per judge is 70. In State courts, the number is 405. The number of civil filings per U.S. district judge is 320. In State courts, the number per judge is 986.

Mr. President, for anyone who wants to see what these figures mean in reality, I suggest they walk five blocks down Pennsylvania Avenue, west of the Capitol. Located on either side of John Marshall Plaza, are the U.S. Courthouse, and the District of Columbia Superior Courthouse. If you walk into superior court on any given day, you will see it virtually packed with litigants and defendants involved in every conceivable legal issue from murder to civil real estate suits. On the other hand, if you walk to the other side of John Marshall Plaza and enter the Federal courthouse, you will see only vast empty hallways, silent as a tomb.

I am not saying that the Federal courts should be treated the same as State courts. I realize their constitutional role is different and their jurisdiction far more limited. I simply believe it is only fair for the judiciary to share the burden of reducing the budget deficit with the legislative and executive branches. It is also important to note that for the crime bill, habeas corpus reform, and the violence against women bill, the judiciary opposed increased involvement by article III courts. Yet the Federal courts claim 78 percent of new Federal office construction.

Actually, the Federal courts have already begun to feel the effects of the national budget deficit in many areas. From funding shortfalls for juror payments, to delaying modernization of computer systems, the courts have been forced to cut back. The time has come for the courts to realize that the budget deficit also affects their ambitious building plans.

As well as prohibiting the construction of buildings, the building moratorium will preclude the Government from entering into new leases for Federal space. Many argue that with the current glut of space available on the market today, the Government could lease its space requirements at very competitive rates. It is important to note that the proportion of federally leased space to federally owned space has exploded over the past two decades. Costs associated with leasing soared from \$389 million in 1975 to \$1.5 billion in 1991. This year, the GSA will spend \$1.9 billion on leases, and next year the projected rent payment will rise to \$2.1 billion. Therefore, it is also argued that leasing space is an enormous expense, for which the Government gains no equity. However, I believe the build/lease debate obscures the fundamental issue which we must face: The Federal Government is spending too much money on its building and leasing programs, in the face of a huge deficit and shrinking work force.

The building moratorium will force the Government to operate in a more businesslike manner. Nevertheless, there are fundamental priorities which cannot be shirked by the National Government. The most basic of these is education. While we must curtail the building of space for our shrinking Federal work force, the same is not true for educating our Nation's young people. The purpose of the moratorium is to help restore this country's economic health for future generations. It would be oxymoronic to this goal to restore our fiscal health while neglecting the educational needs of our children. Therefore, the moratorium will not apply to new buildings that will be used to educate our Nation's students. Also, if a situation develops which is more important than reducing the Federal deficit, this legislation allows the

President to waive the moratorium's requirements. Such reasons include national security issues, essential national priorities, and national emergencies.

Recently, Senator COHEN from Maine introduced an amendment to the RTC funding bill, which would require the GSA to become more efficient in constructing and leasing buildings. I believe this is a good idea, and I support the amendment. But it is only the tip of the iceberg. Because the Government continues to build and lease regardless of the huge Federal deficit, the large amounts of unused space, and the reductions in the Federal work force, I believe a complete building moratorium must be imposed.

There are those who consider a 2-year building moratorium to be draconian, to be simplistic, and to be out of touch with the realities of a changing Federal work force. To an extent these complaints may be true. I have no doubt that there are many meritorious projects being planned. However, I believe we need this moratorium because of one overriding fact: This country has a huge Federal deficit which is threatening our future and our children's future, and the Federal building program—currently estimated at over \$11 billion—has ignored the reality of that deficit for far too long. The Federal Government must understand what any household would have realized long ago: Our very high debt burden requires that we abandon—at least temporarily—our ambitious new building programs, and concentrate on what we already have.

By Mr. COHEN:

S. 1016. A bill to recognize grandparents who serve as the primary caregivers to their grandchildren and to provide assistance to such grandparents under certain programs; to the Committee on Finance.

GRANDPARENTS RAISING GRANDCHILDREN ACT
OF 1993

Mr. COHEN. Mr. President, today I am pleased to offer the Grandparents Raising Grandchildren Act of 1993. This legislation recognizes the valuable contributions that millions of grandparents are making to keep the fabric of the American family together.

The legislation I am introducing today grew out of hearings held by the Senate Special Committee on Aging. Those hearings vividly illustrated that grandparents are being thrust into parenthood a second time around due to a variety of social ills this country is facing.

Drug and alcohol addiction, sexual and physical abuse, murder, crime, divorce, teenage pregnancy, and AIDS—these epidemics in our communities are crippling the American family and are forcing grandparents to pick up the pieces and raise a second generation. They are stepping forward to raise

their grandchildren in order to keep their families together and to prevent the children from being thrust into the foster care system.

The grandparents we are focusing on today are not only faced with the financial demands of raising a second generation, but also are challenged by parenthood in ways inconceivable to many of us.

These grandparents must cope with the needs of drug-exposed infants, or children who bear the scars of physical or emotional abuse. At the hearing, for example, we heard the tragic account of a couple desperately seeking custody of their grandchildren who had witnessed the murder of their mother and aunt by their father.

The department of social services are unwilling to recognize these children's grandparents as appropriate caregivers and took this family on a 4-year journey of separation, accusations, and court battles. Because of the persistence and dedication of their grandparents, these children now reside in a loving, safe home and are receiving therapy to overcome the horror of their early childhood. The fact that it took 4 years of resources to finally place these children with their own family who wanted to care for them in the first place highlights how our Nation's child services system is either paralyzed of prejudice when it comes to recognizing the role of relatives as caregivers.

At times, these grandparents who step forth must juggle their own jobs with the responsibilities of parenting and child care. Older grandparents may have to cash in retirement savings and ignore their own health needs in order to provide for the children. In addition, some of these grandparents are caregivers for as many as four generations, as they balance responsibilities for their spouses, their children, their grandchildren, and even their own aging parents.

In testimony last year before the Special Committee on Aging, it was clear that many of the problems arise simply because Federal programs, State programs, and the private sector do not adequately recognize these grandparents as primary caregivers.

For example, many grandparents who cannot afford to take the expensive, permanent step of adoption, cannot obtain health insurance coverage for their grandchildren, and must struggle to obtain information on services available to them. Further, many grandchildren do not qualify for the same Social Security benefits to which stepchildren and other dependent children are entitled.

Mary Shaheen from Yarmouth, ME, provided another example when she testified that providing care for her grandson Nate has been a battle every step of the way. Even though she and her husband had raised Nate virtually

his whole life, his enrollment in elementary school was denied since they were not his natural parents. Mrs. Shaheen had to spend thousands of dollars in legal fees to achieve guardianship of Nate so that he would be able to attend school. In addition, Mrs. Shaheen had to fight nonstop to finally get her company to provide health coverage for Nate. Most grandparents are not so successful in getting this coverage.

In addition to raising Nate, Mrs. Shaheen has sole caregiving responsibility for her 86-year-old aunt. In order to make ends meet, Mary Shaheen works two jobs and juggles her responsibilities. While this is not the way she envisioned her retirement years, Mrs. Shaheen insists that she would have never considered giving Nate up.

The legislation I am introducing today, seeks to ease the bureaucratic barriers faced by these grandparents. This legislation would allow eligible grandchildren to qualify for certain Social Security benefits, establish a model definition of dependency for health insurance coverage of grandchildren, and establish a National Grandparent Resource Center to act as an information clearinghouse to give information to grandparents on how to get help on legal matters as well as identify local support groups that can assist them.

This bill would also require the development of a model kin-notification provision for States to adopt when a child has been abandoned. Many grandparents are often unaware that their grandchildren have been turned over to the State, only to later find that it is too late to intervene on behalf of the grandchild. The model law I am proposing would establish a procedure that States could adopt that would require the State to make a reasonable attempt to notify the child's next of kin that the child has been abandoned by the natural parent.

Finally, this legislation would require the Census Bureau to collect statistically significant data on these skipped generation families, so that we will have a clearer sense of how many children are being raised by their grandparents.

We cannot afford to overlook this trend in the family structure. Many States have already begun to establish elaborate kinship care programs that recognize the important contributions of these grandparents in salvaging the family unit. Not only do these programs help the grandparents and children involved, but they are helping the system as well: The role that grandparents are playing in their grandchildren's lives is saving an already overburdened foster care program from collapse.

Mr. President, the pressure to reduce our massive Federal deficit pits group

against group for scarce social services. A grave consequence of this tension is to create intergenerational warfare, where many view senior citizens claiming portions of the budget at the expense of children, and vice versa.

This divisive attitude will ultimately work to the detriment of both generations. Rather, we must seek ways to fashion policies that will mutually benefit, not divide, the old and the young of our Nation.

By correcting flaws in current laws and regulations in order to recognize grandparents as primary caregivers, we are helping both generations and strengthening the ties of the American family. I urge my colleagues to support this legislation.

By Mr. PRESSLER:

S. 1017. A bill to withhold all U.S. funds from the United Nations unless the United Nations carries out certain administrative and budgetary reforms; to the Committee on Foreign Relations.

S. 1018. A bill to amend the War Powers Resolution to require a cost assessment with respect to certain commitments of U.S. Armed Forces abroad; to the Committee on Foreign Relations.

S. 1019. A bill to require prior notification of the Congress of anticipated commitments of U.S. funds to U.N. peacekeeping activities in excess of available appropriations; to the Committee on Foreign Relations.

UNITED NATIONS REFORM LEGISLATION

Mr. PRESSLER. Mr. President, as a member of the U.S. Commission on Improving the Effectiveness of the United Nations, I met last week with several top U.N. officials including U.S. Ambassador Madeleine Albright, U.N. Secretary-General Boutros Boutros-Ghali, former U.N. Under Secretary-General for Management Dick Thornburgh, and others. In a series of meetings with these officials, the members of the Commission discussed the effectiveness of the international organization with respect to peacekeeping and peacemaking; global development; human rights protection; and budgetary management and reform. In September of this year, the Commission will report to Congress and the president with recommendations for U.N. reform.

U.N. reform is at the top of my agenda. Having served twice as a congressional delegate to the United Nations, I am all too familiar with the rampant waste, fraud, and abuse that have been characteristic of U.N. management. I am tired to hearing U.N. officials give lip service to reform while continuing to let fraudulent activities go unpunished. Secretary-General Boutros-Ghali has been unable or unwilling to take necessary corrective measures to end the fraudulent activities.

There are difficult tasks ahead for the United Nations and its member na-

tions. From Somalia to Cambodia, U.N. personnel face difficult challenges. The human and material resources of the U.N. are being stretched to the limit. The efficacy of the U.N. system in maintaining world peace will depend largely on the commitment of the United Nations Under Secretary-General for Management. Former U.S. Attorney General Richard Thornburgh most recently served in this position. During his tenure, Mr. Thornburgh made U.N. reform a high priority. If reform is to continue within the U.N., it is imperative that a U.S. citizen who shares Mr. Thornburgh's commitment to reform be made an independent and permanent inspector general.

Mr. Thornburgh was among the officials who met with the Commissioners last week. He explained that rampant mismanagement and abuse continue to pervade the bureaucratic ranks of the United Nations. Mr. Thornburgh spoke of Mr. Boutros-Ghali's and others' unwillingness to examine fully his recent report on wasteful U.N. budget practices. Mr. Thornburgh claims that many top U.N. officials refused to even read his reform report. That is outrageous.

The United States has been the most consistent advocate for major U.N. reforms. Opposition to reform within the United Nations is very strong. During the Senate Foreign Relations Committee confirmation hearing for Madeleine Albright, I raised the issue of U.N. reform. According to her:

Ultimately, the real drive for reform in any organization has to come from the top leadership. Of course, as the largest contributor, the United States has a significant interest in ensuring that the necessary U.N. reforms are achieved. We should, and do, use our influence toward this end.

While I agree wholeheartedly with Ambassador Albright's statement, the reform process has yet to begin.

I have witnessed abusive practices firsthand. It seems to me that fraud at the United Nations has become the rule—not the exception. When will the United Nations finally take corrective actions? If mismanagement continues, the efficiency and effectiveness of the United Nations will be further undermined.

Mr. President, I ask unanimous consent that the conclusion of Dick Thornburgh's report to U.N. Secretary-General Boutros-Ghali, the conclusion of the Paul Volcker and Shijuro Ogata report on U.N. financing, and a list of the participants at the meeting of members of the U.S. Commission on Improving the Effectiveness of the United Nations be printed in the RECORD immediately following my remarks.

It is no secret the United States pays the lion's share of the U.N. budget. With all of the resources the United States provides, our Nation deserves to play a leading role in the management

of those resources. Why should the United States foot such a high percentage of U.N. bills without assurances that our money is not being spent fraudulently? This is a question we in Congress can answer.

Mr. President, today I am introducing three pieces of legislation that, directly and indirectly, can answer many of our concerns and lead to permanent changes in U.N. management—changes that would ensure reform becomes a top priority at the United Nations.

The first two bills are designed to achieve greater accountability for American taxpayer dollars for U.N. activities. The first would require the American Ambassador to the United Nations to notify Congress of U.N. Security Council actions that would commit an amount of U.S. funds above what has been appropriated for the current fiscal year. Each year, Congress appropriates funds to the United Nations. In some cases, increased U.N. involvement requires the United States to pay more than what we appropriated. Our U.N. representative, through her vote on the U.N. Security Council, can commit the United States to contribute funds in excess of what Congress has appropriated. Under my legislation, she would have to notify Congress before making that commitment.

The second bill would require the President to provide a cost assessment for any U.N. peacekeeping activity involving U.S. troops within 60 days of the troop authorization. However, this bill is not restricted to U.N. peacekeeping activities. It applies across the board to any U.S. troop involvement. As my colleagues know, I have expressed concern regarding our military involvement in Somalia. I supported the humanitarian effort, but I was opposed to the United States assuming the lion's share of the cost. With U.N. resources overextended around the globe, increased pressure may be brought on the United States to commit troops to U.N.-sponsored activities. My legislation would require the President to submit a cost assessment for any force commitment 60 days after our forces are committed to any hostile or nonhostile situation as defined in the War Powers Act.

The third and final bill I am introducing today goes to the heart of U.N. reform. I have called on the United Nations to appoint an independent and permanent inspector general. Many others in Congress have made similar demands. In fact, as I stated earlier, the United States has been the most vocal advocate of tough U.N. reforms, starting with the appointment of an inspector general. It is time the United States matched words with deeds. My legislation would do just that. My bill would withhold virtually all U.S. voluntary contributions to the United Nations unless the President can certify annually to Congress that—

A permanent U.N. inspector general is in place;

U.N. budgetary audits are being performed and examined; and

Corrective measures are taken to ensure compliance with the audits.

Mr. President, the United Nations must continue to reform as the new world order dynamically evolves. To succeed in the face of limited resources, budgetary, and bureaucratic reforms within the United Nations are necessary. Continued U.S. influence and pressure will be necessary to make the United Nations productive, efficient, and successful. I urge my colleagues to join me in applying that influence and pressure.

Mr. President, I send these bills to the desk and I ask unanimous consent that they be printed in an appropriate place in the RECORD.

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

S. 1017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of law or treaty, no United States funds shall be made available to the United Nations or any of its specialized agencies unless the President certifies to the Congress that—

(1)(A) the United Nations has established a permanent position of inspector general within its administrative staff;

(B) the United Nations inspector general has begun to carry out his duties; and

(2) the United Nations is conducting budgetary audits, reviewing those audits, and implementing corrective measures, if necessary.

S. 1018

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4(b) of the War Powers Resolution (50 U.S.C. 1543(b)) is amended—

(1) by inserting "(1)" immediately after "(b)"; and

(2) by adding at the end the following new clause:

"(2) Within sixty calendar days after a report is submitted or is required to be submitted pursuant to section 4(a), the President shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report setting forth a cost assessment of the continued involvement of the United States Armed Forces in the circumstances necessitating their introduction."

(b) The amendment made by subsection (a) shall apply with respect to introductions of United States Armed Forces occurring on or after the date of enactment of this Act.

S. 1019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Permanent Representative to the United Nations shall, wherever practicable, notify the Congress in advance of any meeting of the United Nations Security Council held to decide whether to call upon the member countries of the United Nations to participate in international peacekeeping activities, if par-

ticipation by the United States in such activities would require an obligation of funds in excess of amounts made available to the United Nations for the fiscal year.

REPORT TO THE SECRETARY GENERAL OF THE UNITED NATIONS BY DICK THORNBURGH, MARCH 1, 1993.

CONCLUSION

Of course, the effort to improve the administration and management of the United Nations is not an end in itself. But it is critical to ensuring that the United Nations maximize the use of the resources entrusted to it by the Member States to promote the goals enumerated in the Charter. At a time when the United Nations is called upon to play an ever more active role throughout the world, many of the administrative and management practices of the past 45 years are wholly inadequate to meet the demands of the current era. If initiatives to change and modernize these practices are not forthcoming, this Organization simply will not have the ability to meet its new responsibilities.

The course of restructuring and reform upon which you have called the United Nations to embark is a difficult one. It is, by definition, a dynamic and never-ending process and must be amenable to re-thinking and amendment as conditions change. It is inherently untidy and incapable of being "packaged" as a complete and final product at any one stage of its development. It is also bound to be opposed by powerful interests which have a special stake in the status quo. The success of such a comprehensive undertaking will depend equally upon the exercise of the necessary political will by Member States and the ingenuity and persistence of you and your team in the Secretariat.

If all those truly interested in a better organized and better operating United Nations are supportive of the types of efforts outlined herein, I believe significant positive change will be possible. The opportunity to achieve such change has never been greater and I wish you, my successor and my former colleagues every success in the continued pursuit of excellence within the Organization.

FINANCING AN EFFECTIVE UNITED NATIONS: A REPORT OF THE INDEPENDENT ADVISORY GROUP ON U.N. FINANCING, SHIJURO OGATA AND PAUL VOLCKER, CO-CHAIRMAN

CONCLUSION AND SUMMARY OF RECOMMENDATIONS

The advisory group has tried to address the problem of the U.N.'s financing in a practical and realistic way. Our recommendations are intended to provide more consistent and reliable funding of U.N. activities in the interest of the U.N.'s effectiveness, and to facilitate the work of the Secretary-General. They are also intended to make it easier for governments to meet their financial obligations to the U.N.

We have been impressed in particular by the contrast between the demands placed on the United Nations and the smallness and precariousness of its financial base. Any great political institution has to develop with the times, and that development often causes growing pains. In the post-cold war era, the United Nations is being asked to develop very fast and to take on vital responsibilities of a kind, and on a scale, undreamed of in its earlier years.

Many of the tasks the U.N. is now undertaking are pioneering efforts in new fields. They will set precedents for vital activities in the future. It is essential that the world

organization have the financial backing, as well as the administrative and operational capacity, to make these efforts successful and workable models for the difficult years to come.

The U.N. remains the only existing framework for building the institutions of a global society. While practicing all the requisite managerial rigor and financial economy, it must have the resources—a pittance by comparison with our society's expenditures on arms—to serve the great objectives that are set forth in its Charter. Surely the world is ready for, and urgently in need of, a more effective United Nations.

Recommendations

Regular U.N. Budget

The division of U.N. expenditures into three categories—with the regular budget financed by assessed contributions, peacekeeping financed by a separate assessment, and humanitarian and development activities financed largely by voluntary contributions, is appropriate.

The consensus procedure for approving the regular budget should be continued in future years.

All countries must pay their assessed U.N. dues on time and in full. Countries with past arrears should pay them as quickly as possible. This responsibility is particularly great for the large contributors.

The U.N. should require its member states to pay their dues in four quarterly installments, instead of in a single lump sum at the beginning of the year.

The U.N. should be given authority to charge interest on late payments under the new quarterly schedule. Interest payments should be deposited in the Working Capital Fund.

In order to meet their treaty obligations, countries that appropriate their U.N. contribution late in the year should appropriate their regular U.N. dues earlier than they do at present, if necessary phasing this change in over several years.

When a reliable means to pay its bills is established, the U.N. should stop borrowing funds from its peacekeeping accounts to cover regular budget expenditures.

The level of the Working Capital Fund should be raised from \$100 million to \$200 million. The difference should be financed by a one-time assessment of \$100 million.

The U.N. should speed replenishment of its depleted reserves by crediting budgetary surpluses owed to those member states with arrears to the Working Capital Fund.

The U.N. should not be given authority to borrow.

The regular budget assessment scale should be based on a three- rather than ten-year average of member states' GDP.

Peacekeeping

The international community should be prepared to accept significantly increased peacekeeping costs in the next few years.

Because peacekeeping is an investment in security, governments should consider financing its future cost from their national defense budgets.

The U.N. should create a revolving reserve fund for peacekeeping set at \$400 million, financed by three annual assessments.

The Advisory Group would support a regular appropriation for peacekeeping training, at a level the U.N. considers appropriate to enable its staff and military contingents provided by member states to deal with the increasingly complex duties they are assigned.

The U.N. might consider the merits of a unified peacekeeping budget, financed by a single annual assessment.

The Secretary-General should be permitted to obligate up to 20 percent of the estimated cost of a peacekeeping operation once it is approved by the Security Council.

All member states with above average per capita GNP, except for the permanent members of the Security Council, should be included in Group B for the purposes of the peacekeeping assessment, under which they would pay the same rate of assessment for peacekeeping that they pay for the regular budget. This change should be phased in over several years.

Other Issues

In the interest of greater coordination and administrative responsibility, all U.N. programs that are currently funded by voluntary contributions alone should have their administrative expenditures financed by assessed contributions.

Voluntarily funded agencies should seek a larger portion of their funding from multi-year, negotiated pledges.

Current proposals for additional, non-governmental sources of financing the U.N. are neither practical nor desirable. For now, the system of assessed and voluntary contributions provides the most logical and appropriate means of financing the U.N., as it permits governments to maintain proper control over the U.N.'s budget and its agenda.

U.S. COMMISSION ON IMPROVING THE EFFECTIVENESS OF THE UNITED NATIONS COMMISSIONERS ATTENDING, MAY 14, 1993

Amb. Charles M. Lichenstein—Co-Chair, Distinguished Fellow, The Heritage Foundation.

Gary E. MacDougal—Co-Treasurer, Honorary Chairman, Mark Controls Corporation.

Father Richard John Neuhaus, Institute on Religion and Public Life.

Harris O. Schoenberg—Secretary, Director, United Nations Affairs, B'nai B'rith International.

Ambassador Jose Sorzano, The Austin Group.

Senator Claiborne Pell.
Peter Leslie.

Jerome Shestack, Esq.
Walter Hoffmann—Co-Treasurer, Executive Director, World Federalist Association.

WITNESSES ATTENDING, MAY 14, 1993

Mr. Jan Eliasson, Under-Secretary-General for Humanitarian Affairs, United Nations.

Mr. Marrack Goulding, Under-Secretary-General for Political Affairs, United Nations.
Governor Richard Thornburgh.

The Honorable Madeleine Albright, U.S. Permanent Representative to the United Nations.

Ambassador Peter Osvald, Permanent Representative of Sweden to the United Nations.

Sir Brian Urquhart, Scholar-in-Residence, International Affairs Program, Ford Foundation.

By Mr. WOFFORD (for himself,
Mr. KENNEDY, and Mr. KERRY):

S. 1020. A bill to promote economic growth and job creation in the United States by facilitating worker involvement in the development and implementation of advanced workplace technologies and advanced workplace practices and by identifying and disseminating information on best workplace practices; to the Committee on Labor and Human Resources.

WORKPLACE INNOVATION AMENDMENTS ACT OF 1993

• Mr. WOFFORD. Mr. President, earlier this year the President announced

a new Federal role to advance our Nation's technological superiority and international economic competitiveness. He presented to the Nation an important change in course.

While we have been focused on winning the cold war and exploring space since World War II, our international economic competitors placed a priority on investing their public resources in commercially oriented activities. In the United States, we never made the economic competitiveness of American firms and workers a public priority. Commercial research and development efforts were supported through the Defense Department, NASA, and other agencies. These investments also contributed to the international competitive advantage held by U.S. firms and workers. But the commercial benefits of Federal policy were always indirect, beneficial byproducts rather than explicit objectives.

This lack of direct commercial involvement since World War II reflects the American people's ambivalence about the relationship between our Government and private commercial enterprise. They have reason to be skeptical. But the world economy has changed dramatically. And we can no longer afford to have our Government sit on the side lines while our international economic competitors are playing for keeps.

President Clinton recognized that the times demand a change and a new clarity in Federal policy. He is urging us to adopt policies to stimulate innovation that will increase our competitiveness and create jobs.

Let me be clear. The Federal Government should not displace the decisions of the marketplace. Private enterprise cannot be supplanted as the creator of economic growth and jobs. Federal policy must be supportive of the market by facilitating the development and dissemination of generic information and making sure that America pursues a high-growth, high-wage strategy.

President Clinton's vision is to create supportive Federal efforts. It is about improving the competitiveness of America's manufacturing industries and its workers. And the President's proposal recognizes that technology alone will not accomplish that goal. Throughout his vision is an understanding that concern for the human dimension of work—particularly work organization, management and human resource practices, and jobs—is essential for success.

Workplace organization is essential to economic performance. One need go no further than the example of Henry Ford and the success of Ford Motor Co. to understand the importance of workplace organization to economic growth. Henry Ford did not invent the car—he brought the mass production process to car manufacturing.

But the mass production system is being replaced by high performance

work practices. These methods of work have been pioneered by Japanese and German firms and are a key to their economic competitiveness. Many American firms have implemented these high-performance systems with great success.

And those firms that ignored work organization and the human dimension of work when they have deployed high-technology machinery, have suffered. In fact, a recent Wall Street Journal reported one reason that certain companies were lagging behind was an overreliance on automation. The article reported on the experience of a Federal-Mogul plant in Lancaster, PA, that was revamped in 1987 with state-of-the-art automation. But costs did not go down and the automation reduced the plant's flexibility. To improve performance, the plant was revamped again and most robots and production-line computers were removed.

Of course not every firm has experienced such problems. But the point is that high-technology does not alone hold the answer for our Nation's future commercial competitiveness. I saw firsthand, as Pennsylvania's secretary of labor and industry, the problems that were created by failing to take workers and the work organization into account in efforts toward improvement.

As we consider legislation to implement the President's vision, we cannot forget the human element of the manufacturing process. Firms need to be encouraged to improve their work place practices—not just add machines.

We must make sure that any legislation: First, enables the Federal Government to help gather and promote the best practices in the use of technologies and associated work organizations; second, causes Government technology and training assistance to be diffused to firms in a coordinated manner; and, third, measures the success of Federal technology policies in human terms, including job creation and worker productivity.

The legislation I am introducing today, along with my colleagues, Senators KERRY and KENNEDY, would do just that. We are introducing two pieces of legislation to make sure that workers and work organization are taken into account in Federal efforts to improve the international competitiveness of American manufacturers.

The workplace innovation amendments, would amend the National Competitiveness Act of 1993, to help firms and workers, in a coordinated fashion, to take full advantage of advanced manufacturing technology, to improve productivity and quality, and to adopt high-performance work organizations. In addition, the amendments would help create quality job opportunities by promoting research in, and dissemination of, innovative workplace practices and promote labor-management cooperation.

The Workers Technology Skill Development Act would assist workers to become full partners in the planning and implementation of advanced workplace technologies and advanced workplace practices. It would authorize the Department of Labor to make grants to improve the ability to workers, their representatives and employers in these areas, and authorize the Department to identify, collect, and disseminate information on best workplace practices and workplace assessment tools.

I am pleased to join my colleagues from Massachusetts, Senators KERRY and KENNEDY in introducing this legislation. We have already been working with the chairman of the Senate Commerce Committee and the Departments of Commerce and Labor to have this legislation included in S. 4. For much as it will take cooperation between workers and management to improve a firm's competitiveness—it will take the cooperation of the various branches of Government to make sure that Federal efforts directed to improve our Nation's international competitiveness are effective.●

By Mr. INOUE (for himself, Mr. BAUCUS, Mr. CAMPBELL, Mr. FEINGOLD, Mr. HATFIELD, Mr. PELL, and Mr. WELLSTONE):

S. 1021. A bill to assure religious freedom to native Americans; to the Committee on Indian Affairs.

NATIVE AMERICAN FREE EXERCISE OF RELIGION
ACT OF 1993

Mr. INOUE. Mr. President, I rise today to introduce legislation that is fundamental to the sovereignty of the Indians nations and which is in furtherance of the policy established in the Joint Resolution American Indian Religious Freedom enacted by Congress in 1978. For, Mr. President, what can be more fundamental to sovereignty than the free exercise of one's religion, one's culture, and one's traditions?

This measure is intended to address in a comprehensive way, the rights of native Americans to practice their traditional religions—a right that most Americans take for granted—a right that has been denied to this Nation's first Americans.

Religious freedom is fundamental to our way of life. It served as the genesis for the founding of our Nation. Religious freedom is critical and integral to our concept of individual liberty.

Sadly however, there has been a long history in this country, of Government suppression of traditional religions practices by native Americans that is unlike the manner in which any other religion in our Nation has been treated.

Mr. President, in 1978, Congress enacted the American Indian Religious Freedom Act (P.L. 95-341), in an effort to establish a policy that would reverse this deplorable treatment. With the passage of the act in 1978, it became the policy of the United States to pro-

tect and preserve the right of American Indian, Eskimo, Aleut, and native Hawaiian people to believe, express, and exercise their traditional religions. While it was the intention of the Congress to have these traditional religious practices protected, this desired result has not been accomplished.

Pursuant to the provisions of the act passed in 1978, in their actions, Federal agencies are required, by law, to respect the customs, ceremonies, and traditions of native American religions. The act provided that within 1 year of the law's enactment, Federal agencies would examine their policies and procedures, and work with Native traditional and tribal leaders to assure minimal interference with the religious practices of native people. In August 1979, the Federal Agencies Task Force charged with this responsibility submitted its report to Congress.

The report concluded that due to ignorance and attitudes, Federal policies and practices were directly or indirectly hostile toward native traditional religions or simply indifferent to their religious values. The report cited 522 specific examples of Government infringement upon the free exercise of traditional native American religious practices.

The report documented the widespread practice of denying native American people access to sacred sites on Federal land for the purpose of worship, and in cases where they did gain access, they were often disturbed during their worship by Federal officials and the public. In addition, some sacred sites were needlessly put to other uses which have desecrated them.

Native Americans have been denied the opportunity to gather natural substances which have a sacred or religious significance, and have been disturbed in their use of these natural substances. Finally, native American beliefs involving care and treatment for the dead have not been respected by public officials and restrictions have been imposed by public institutions, such as schools and prisons, on the rights of native Americans to practice their religious beliefs.

The report made 5 legislative proposals and 11 recommendations to the Congress for proposed uniform administrative procedures to correct and remove the identified barriers to Indian religious freedom. With the exception of one recommendation, which was partially addressed in the Native American Graves Protection and Repatriation Act regarding the theft and interstate transport of sacred objects, none of the proposals or recommendations have been acted upon.

Since the passage of the American Indian Religious Freedom Act in 1978, there have been a number of court rulings involving the rights of native Americans to engage in traditional religious practices. Two recent Supreme

Court decisions have severely undermined the intent of the act and have denied protection under the first amendment for the unique and important religious beliefs of native Americans.

In 1988, in a case known as *Lyng versus Northwest Indian Cemetery Association*, the Supreme Court denied protection of a religious site on public land. In so doing, the Court also rejected the traditional first amendment test that the Government had to have a compelling interest to infringe upon the free exercise of religion.

In 1990, the Supreme Court in *Employment Division versus Smith* denied protection of a native American church practitioner fired from his job for using peyote during a native American religious ceremony. The Supreme Court's rulings in *Lyng* and *Smith* have significantly diminished constitutional and statutory protection of native American religious practices. Both of these decisions demonstrate that while the 1978 act is a sound statement of policy, it requires enforcement authority. That authority is addressed in the measure that I am introducing today.

Mr. President, the legislation reflects input from native Americans and affirmatively addresses specific religious concerns and beliefs central to their lives. The bill addresses native American religious freedom in four areas: First, the legislation provides protection of native American sacred sites and puts into place a mechanism for resolving disputes. Second, the legislation extends first amendment protection to native Americans for the sacramental use of peyote. Third, the legislation protects the rights of native prisoners to the same extent as prisoners of other religious faiths. Finally, the legislation facilitates native American access to and use of eagle feathers and plants for religious purposes.

Native Americans believe that certain locations are most sacred and believe that these sites should be protected. There are currently 44 sacred sites that are threatened by tourism, development, and resource exploitation. The sacramental use of peyote, which is central to the ceremonies of the Native American Church, is a crime punishable by law despite Drug Enforcement Agency exemptions for Native American Church members. Many native American prisoners are denied access to spiritual leaders, and denied the opportunity to practice their religion, despite the fact that other prisoners are consistently provided access to priests, ministers, rabbis, and other religious leaders. There are also prison requirements that conflict with native American religious customs. While eagle feathers and parts of other sacred plants and animals are sometimes used in religious ceremonies, native Americans face criminal prosecution if they are in pos-

session of eagle parts or feathers due to the Bald Eagle and Golden Eagle Protection Act. The legislation would permit use of lawfully obtained eagle feathers.

The bill will also provide clear, legally enforceable authority for the protection of the free exercise of native American religions.

I am pleased to note that the response of native peoples to this legislation has been very favorable. The committee has held six field hearings and the bill reflects many of the recommendations received at the hearings as well as other communications received by the committee from Indian tribes and native American organizations.

In addressing the many problems that face native American communities today, it is imperative that we should first address the issue of spirituality and tradition—the very soul of most native American communities. It is essential for native American people across this country to be free to practice their religious ceremonies and to preserve their values and traditions for future generations.

Mr. President, it is clear that there must be a rebalancing of governmental interests to assure the protection of the free exercise of native American religions. The legislation I am introducing today would create this new balance. The religious rights of native Americans have not been adequately protected or respected, and as the trustee of the native peoples of this land, I believe that it is incumbent upon the United States to correct this deficiency. I look forward to congressional attention to this important issues in the 103d Congress. I ask unanimous consent that the full text of the bill be printed in the RECORD following my remarks.

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

S. 1021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Native American Free Exercise of Religion Act of 1993”.

(b) **TABLE OF CONTENTS.**—
Sec. 1. Short title; table of contents.
Sec. 2. Policy.
Sec. 3. Definitions.

TITLE I—PROTECTION OF SACRED SITES

Sec. 101. Findings.
Sec. 102. Federal land management; use and preservation.
Sec. 103. Notice.
Sec. 104. Consultation.
Sec. 105. Burden of proof.
Sec. 106. Tribal authority over Native American religious sites on Indian lands.
Sec. 107. Application of other laws.
Sec. 108. Confidentiality.
Sec. 109. Criminal sanctions.
TITLE II—TRADITIONAL USE OF PEYOTE
Sec. 201. Findings.
Sec. 202. Traditional use of peyote.

TITLE III—PRISONERS' RIGHTS

Sec. 301. Rights.

TITLE IV—RELIGIOUS USE OF EAGLES AND OTHER ANIMALS AND PLANTS

Sec. 401. Religious use of eagles.
Sec. 402. Other animals and plants.

TITLE V—JURISDICTION AND REMEDIES

Sec. 501. Jurisdiction and remedies.

TITLE VI—MISCELLANEOUS

Sec. 601. Savings clause.
Sec. 602. Severability.
Sec. 603. Authorization of appropriations.
Sec. 604. Effective date.

SEC. 2. POLICY.

It is the policy of the United States, in furtherance of the policy established in the joint resolution entitled “Joint Resolution American Indian Religious Freedom”, approved August 11, 1978 (42 U.S.C. 1996), to protect and preserve the inherent right of any Native American to believe, express, and exercise his or her traditional religion, including, but not limited to, access to any Native American religious site, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.

SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

(1) **AGGRIEVED PARTY.**—The term “aggrieved party” means any Native American practitioner, Native American traditional leader, Indian tribe, or Native Hawaiian organization as defined by this Act.

(2) **FEDERAL AGENCY.**—The term “Federal agency” means any department, agency, or instrumentality of the Federal Government.

(3) **FEDERAL OR FEDERALLY ASSISTED UNDERTAKING.**—The term “Federal or federally assisted undertaking” means any regulation relating to or any project, activity, or program pertaining to the management, use, or preservation of land (including continuing and new projects, activities, or programs) which is funded in whole or in part by, or under the direct or indirect jurisdiction of, a Federal agency, including—

(A) those carried out by or on behalf of the agency;

(B) those carried out with Federal financial assistance;

(C) those requiring a Federal permit, license or approval; and

(D) those subject to State regulation administered pursuant to a delegation or approval by a Federal agency.

The term “Federal or federally assisted undertakings” does not include regulations, projects, activities, or programs operated, approved, or sponsored by Indian tribes, including, but not limited to, those projects, activities, or programs which are funded in whole or in part by Federal funds pursuant to contract, grant or agreement, or which require Federal permits, licenses or approvals.

(4) **GOVERNMENTAL AGENCY.**—The term “governmental agency” means any agency, department, or instrumentality of—

(A) the United States; or

(B) a State, in the case of a Federal or federally assisted undertaking described in paragraph (3)(D).

The term “governmental agency” does not include an agency, department, or instrumentality of an Indian tribe.

(5) **INDIAN.**—The term “Indian” means—

(A) an individual of aboriginal ancestry who is a member of an Indian tribe,

(B) an individual who is an Alaska Native, or

(C) in the case of California Indians, an individual who meets the definition in section

809(b) of the Indian Health Care Improvement Act (25 U.S.C. 1679(b)), except that an Indian community need not be served by a local program of the Indian Health Service in order to qualify as an Indian community for purposes of this definition.

(6) **INDIAN LANDS.**—The term “Indian lands” means all lands within the limits of any Indian reservation; public domain Indian allotments; all other lands title to which is either held in trust by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation; all dependent Indian communities; and all fee lands owned by an Indian tribe.

(7) **INDIAN TRIBE.**—The term “Indian tribe” means—

(A) any tribe, band, nation, pueblo, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians,

(B) any Indian group that has been formally recognized as an Indian tribe by a State legislature or by a State commission or similar organization legislatively vested with State tribal recognition authority,

(C) any Indian tribe whose federally recognized status has been terminated, and

(D) any non-federally recognized tribe that has—

(i) filed a petition for acknowledgement with the Branch of Federal Acknowledgement of the Bureau of Indian Affairs of the Department of the Interior or is the subject of pending legislation in the Congress seeking federally recognized status, and

(ii) is recognized as an Indian tribe by other Indian tribes, communities or groups.

The definition contained in subparagraph (D) shall not apply if the Department of the Interior has acted to deny such tribe's petition for acknowledgement and all appeals of the Department's determination have been exhausted and have been decided in support of the Department's determination.

(8) **LAND.**—The terms “land”, “lands”, or “public lands” mean surface and subsurface land within the jurisdiction of the United States or the respective States, including submerged land of any kind or interest therein and all water and waterways occupying, adjacent to, or running through the land.

(9) **NATIVE AMERICAN.**—The term “Native American” means any Indian or Native Hawaiian.

(10) **NATIVE AMERICAN PRACTITIONER.**—The term “Native American practitioner” means—

(A) any Native American who practices a Native American religion, or

(B) any Native Hawaiian with an obligation to protect a Native Hawaiian religious site, or any Native Hawaiian who practices a Native Hawaiian religion or engages in a Native Hawaiian ceremonial or ritual undertaking.

(11) **NATIVE AMERICAN RELIGION.**—The term “Native American religion” means any religion—

(A) which is practiced by Native Americans, and

(B) the origin and interpretation of which is from within a traditional Native American culture or community.

(12) **NATIVE AMERICAN RELIGIOUS SITE.**—The term “Native American religious site”

means any place or area, including, but not limited to, any geophysical or geographical area or feature—

(A) which is sacred to a Native American religion;

(B) where Native American practitioners are required by their religion to gather, harvest, or maintain natural substances or natural products for use in Native American religious ceremonies or rituals or for spiritual purposes, including all places or areas where such natural substances or products are located; or

(C) which is utilized by Native American religious practitioners for ceremonies, rituals, or other spiritual practices.

(13) NATIVE AMERICAN TRADITIONAL LEADER.—The term "Native American traditional leader" means any Native American who—

(A) is recognized by an Indian tribe, Native Hawaiian organization, or Native American traditional organization as being responsible for performing cultural duties relating to the ceremonial or religious traditions of the tribe or traditional organization, or

(B) exercises a leadership role in an Indian tribe, Native Hawaiian organization or Native American traditional organization based upon its cultural, ceremonial, or religious practices.

(14) NATIVE HAWAIIAN.—The term "Native Hawaiian" means any individual who is a descendant of the aboriginal Polynesian people who, prior to 1778, occupied and exercised sovereignty and self-determination in the area that now comprises the State of Hawaii.

(15) NATIVE HAWAIIAN ORGANIZATION.—The term "Native Hawaiian organization" means any organization which is composed primarily of Native Hawaiians, serves and represents the interests of Native Hawaiians and whose members—

(A) practice a Native American religion or conduct traditional ceremonial rituals, or

(B) utilize, preserve and protect Native American religious sites.

(16) STATE.—The term "State" means any State of the United States and any and all political subdivisions thereof.

TITLE I—PROTECTION OF SACRED SITES SEC. 101. FINDINGS.

The Congress finds that—

(1) throughout American history, the free exercise of traditional Native American religions has been intruded upon, interfered with, and, in some instances, banned by the Federal Government and the devastating impact of these governmental actions continues to the present day;

(2) the religious practices of Native Americans are integral parts of their cultures, traditions and heritages and greatly enhance the vitality of Native American communities and tribes and the well-being of Native Americans in general;

(3) as part of its historic trust responsibility, the Federal Government has the obligation to enact enforceable Federal policies which will protect Native American community and tribal vitality and cultural integrity, and which will not inhibit or interfere with the free exercise of Native American religions;

(4) just as other religions consider certain sites in other parts of the world to be sacred, many Native American religions hold certain lands or natural formations in the United States to be sacred, and, in order for those sites to be in a condition appropriate for religious use, the physical environment, water, plants and animals associated with those sites must be protected;

(5) such Native American religious sites are an integral and vital part of, and inex-

tricably intertwined with, many Native American religions and the religious practices associated with such religions, including the ceremonial use and gathering, harvesting, or maintaining of natural substances or natural products for those purposes;

(6) many of these Native American religious sites are found on lands which were part of the aboriginal territory of the Indians but which now are held by the Federal Government, or are the subject of Federal or federally assisted undertakings;

(7) lack of sensitivity to, or understanding of, Native American religions on the part of Federal agencies has resulted in the absence of a coherent policy for the protection of Native American religious sites and the failure by Federal agencies to consider the impacts of Federal and federally assisted undertakings upon Native American religious sites;

(8) the Supreme Court of the United States, in the case of *Lyng v. Northwest Indian Cemetery Association*, 485 U.S. 439 (1988) ruled that the free exercise clause of the First Amendment does not restrict the Government's management of its lands, even if certain governmental actions would infringe upon or destroy the ability to practice religion, so long as the Government's action does not compel individuals to act in a manner which is contrary to their religious beliefs;

(9) the holding in the case of *Lyng v. Northwest Indian Cemetery Association* creates a chilling and discriminatory effect on the free exercise of Native American religions;

(10) the Supreme Court of the United States, in the case of *Employment Division v. Smith*, 494 U.S. 872 (1990) extended the *Lyng* doctrine to all "valid and neutral laws of general applicability" not intended to specifically infringe upon religious practice and held that the First Amendment does not exempt practitioners who use peyote in Native American religious ceremonies from complying with "neutral" State laws prohibiting peyote use, notwithstanding the chilling effect of such laws upon their right to freely practice their religion;

(11) Native Hawaiians have distinct rights under Federal law as beneficiaries of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108) and the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4);

(12) the United States trust responsibility for lands set aside for the benefit of Native Hawaiians has never been extinguished;

(13) the Federal policy of self-determination and self-governance is recognized to extend to all Native Americans;

(14) Congress has enacted numerous laws which regulate and restrict the discretion of Federal agencies for the sake of environmental, historical, economic, and cultural concerns, but has never enacted a judicially enforceable law comparably restricting agency discretion for the sake of the site-specific requirements associated with the free exercise of Native American religions;

(15) the lack of a judicially enforceable Federal law and of a coherent Federal policy to accommodate the uniqueness of Native American religions imposes unique and unequal disadvantages on Native American religions, gravely restricting the free exercise of Native American religions and impairing the vitality of Native American communities and Indian tribes; and

(16) Congress has the authority to enact such a law pursuant to section 8, Article I, of

the Constitution and the First and Fourteenth Amendments.

SEC. 102. FEDERAL LAND MANAGEMENT; USE AND PRESERVATION.

(a) IN GENERAL.—Notwithstanding any other provision of law each Federal agency shall manage any lands under its jurisdiction in a manner that complies with the provisions of this Act.

(b) PLANNING PROCESS.—Each Federal agency involved in Federal or federally assisted undertakings, including, but not limited to, activities pursuant to the National Forest Management Act (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.), shall as part of its planning process—

(1) consult with Indian tribes and Native Hawaiian organizations identified pursuant to section 103, as well as Native American traditional leaders who can be identified by the agency to have an interest in the land in question;

(2) provide for notice of all Federal or federally assisted undertakings with the potential to have an impact on certain specified lands to an Indian tribe, Native Hawaiian organization, or Native American traditional leader if such tribe, organization, or leader places the agency on notice, in writing, that it is interested in receiving notice of all such undertakings;

(3) ensure that its land management plans are consistent with the provisions and policies of this Act; and

(4) maintain the confidentiality of specific details of a Native American religion or the significance of a Native American religious site to that religion in accordance with the procedures specified in sections 107 and 108 of this Act.

(c) ACCESS.—

(1) IN GENERAL.—Unless the President determines that national security concerns are directly affected, in which case the provisions of section 105 shall apply, Native American practitioners shall be permitted access to Native American religious sites located on Federal lands at all times, including the right to gather, harvest, or maintain natural substances or natural products for Native American religious purposes.

(2) PROHIBITION AGAINST VEHICLES.—Paragraph (1) does not authorize the use of motorized vehicles or other forms of mechanized transport in roadless areas where such use is prohibited by law, nor affect the application of the Endangered Species Act, except as provided for by section 501(b) of this Act.

(3) TEMPORARY CLOSING.—Upon the request of an Indian tribe, Native Hawaiian organization, or Native American traditional leader, the Secretary of the department whose land is involved may from time to time temporarily close to general public use one or more specific portions of Federal land in order to protect the privacy of religious cultural activities in such areas by Native Americans. Any such closure shall be made so as to affect the smallest practicable area for the minimum period necessary for such purposes.

(d) REGULATIONS.—The Secretary of the Interior, in consultation with Indian tribes and Native Hawaiian organizations, shall promulgate uniform regulations relating to—

(1) Federal planning processes pertaining to the management, use or preservation of land; and

(2) notice to and consultation with Indian tribes, Native Hawaiian organizations, Native American traditional leaders and Native American practitioners as required by sections 103 and 104 of this Act.

The regulations shall be sufficiently flexible to enable consultation to meet the unique needs of Indian tribes, Native Hawaiian organizations, Native American traditional leaders and Native American practitioners.

SEC. 103. NOTICE.

(a) IDENTIFICATION OF LANDS BY SECRETARY.—

(1) IN GENERAL.—For the purpose of assuring that a governmental agency properly determines whether a proposed undertaking will have an impact on the exercise of a Native American religion and which affected parties should be provided notice of a proposed undertaking, the Secretary of the Interior, in conjunction with tribal governments, shall identify land areas with which an Indian tribe has aboriginal, historic, or religious ties.

(2) ONGOING IDENTIFICATION.—Paragraph (1) does not preclude a tribal government from continuing to conduct an ongoing identification process, which may supplement the process required by this subsection.

(b) DUTY OF AGENCIES.—

(1) TRIBAL LANDS.—Before a governmental agency proceeds on lands identified pursuant to subsection (a) with any Federal or federally assisted undertaking that may have an impact on the exercise of a Native American religion, the agency shall provide a geographical description of the lands affected by the undertaking (including information on metes and bounds of the lands in question, where available) and a description of the undertaking to—

(A) the Secretary of the Interior;

(B) each Indian tribe which has aboriginal, historic, or religious ties to the land affected by a proposed Federal or federally assisted undertaking; and

(C) each Native American traditional leader known by the agency who may have an interest in the land affected by the proposed undertaking.

(2) LANDS IN HAWAII.—Before a governmental agency proceeds on lands in the State of Hawaii with any Federal or federally assisted undertaking that may have an impact on the exercise of a Native American religion, the agency shall publish a geographical description of the lands affected by the undertaking (including information on metes and bounds of lands in question, where available) and a description of the undertaking in a newspaper of general circulation for a period of 2 weeks.

(3) DOCUMENTATION.—The governmental agency shall fully document the efforts made to provide the information to Indian tribes, Native Hawaiian organizations and Native American traditional leaders as required by this section or any applicable regulations, guidelines, or policies.

(c) NOTICE BY TRIBE.—

(1) IN GENERAL.—Within 90 days of receiving the notice provided under subsection (b), or within the time limit of any comment period permitted or required by any Federal law applicable to the Federal or federally assisted undertaking, whichever is later, an Indian tribe, Native Hawaiian organization, or Native American traditional leader invoking the protection of this title may provide notice to the governmental agency whether the proposed Federal or federally assisted undertaking may result in changes in the character or use of one or more Native American religious sites which are located on lands with which the Indian tribe or Native Hawaiian organization has aboriginal, historic, or religious ties.

(2) NO DUTY TO RESPOND.—Paragraph (1) does not impose a duty upon any Indian

tribe, Native Hawaiian organization, or Native American traditional leader to respond to any notice under this section.

(3) ADDITIONAL INFORMATION.—The Indian tribe, Native Hawaiian organization, or Native American traditional leader acting pursuant to paragraph (1) may also provide the agency with information as to any Native American traditional leaders or practitioners who should be included in the notice and consultation requirements of this section and section 104.

(d) 90-DAY PROHIBITION AGAINST ACTIVITY FOLLOWING NOTICE TO TRIBES.—No action to approve, commence, or complete a Federal or federally assisted undertaking that is subject to this section shall be taken by a governmental agency for a period of 90 days following the date on which notice is provided under subsection (b) to Indian tribes and Native Hawaiian organizations unless or until—

(1) the matter is resolved pursuant to the procedures of this Act;

(2) the period of consultation required under section 104 has been completed; or

(3) all parties entitled to such notice consent to a shorter time period.

SEC. 104. CONSULTATION.

(a) IN GENERAL.—

(1) EFFECT OF NOTICE BY TRIBE.—If an Indian tribe, Native Hawaiian organization, or Native American traditional leader indicates in writing within 90 days of receiving notice under section 102, or within the time limit of any comment period permitted or required by any Federal law applicable to the Federal or federally assisted undertaking, whichever is later, that a Federal or federally assisted undertaking will or may alter or disturb the integrity of Native American religious sites or the sanctity thereof, or interfere with the access thereto, or adversely impact upon the exercise of a Native American religion or the conduct of a Native American religious practice, except as provided in paragraph (2), the governmental agency engaged in the Federal or federally assisted undertaking shall immediately discontinue such undertaking until the agency performs the duties described in paragraphs (3) and (4).

(2) INADVERTENT DISCOVERY.—If in the process of a Federal or federally assisted undertaking, a Native American religious site is inadvertently discovered, the governmental agency engaged in the undertaking shall immediately discontinue such undertaking until the agency performs the duties set forth in paragraphs (3) and (4).

(3) CONSULTATION.—The governmental agency shall consult with any interested party, including Native American practitioners with a direct interest in the Native American religious site in question, concerning the nature of the adverse impact and alternatives that would minimize or prevent an adverse impact, including any alternatives identified by an Indian tribe, Native Hawaiian organization, or Native American traditional leader that has filed a written objection under this subsection.

(4) EVALUATION OF COMMENTS.—The governmental agency shall prepare and make available to the tribe, organization or traditional leader, as well as Native American practitioners who have been involved in the consultation process, a document evaluating and responding to the comments received. The document shall include an analysis of adverse impacts upon the site and the use thereof and an analysis of alternatives to the proposed action, including any alternative offered by an Indian tribe, Native Hawaiian organization, or Native American traditional leader submitting a written objection under paragraph (1) and a no action alternative.

(5) ADDITIONAL INFORMATION.—In any case where the governmental agency is also required to prepare a document analyzing the impact of its undertaking or decision pursuant to the National Environmental Policy Act (43 U.S.C. 4321 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.) or any other applicable law, such agency shall incorporate the analysis required by this section into the contents of the document.

(b) CASES WHERE SECRECY IS REQUIRED.—

(1) IN GENERAL.—In the case of those Indian tribes whose traditional religious tenets prohibit disclosure of information concerning their Native American religious sites or religious beliefs or practices, and mandate secrecy and internal sanctions to enforce those prohibitions, and where the tribal government of the affected Indian tribe so certifies and invokes this subsection—

(A) the tribal government shall not be required to reveal the location of the Native American religious site or in what manner the undertaking would have an impact on the site or any information concerning their religious beliefs or practices;

(B) the tribal government shall not be required to explain in what manner any proposed alternative is or is not less intrusive upon the adversely affected Native American religious practice or religious sites which may be adversely affected than the original proposed Federal or federally assisted undertaking; and

(C) in engaging in consultation and preparing any document required by this Act, the governmental agency shall not include an analysis of adverse impacts upon the site or the use thereof or the Indian tribe's religious beliefs and practices.

(2) AFTER CONSULTATION.—If after consultation—

(A) the governmental agency agrees to pursue a less intrusive alternative proposed by the Indian tribe or some other alternative which the Indian tribe agrees would be less intrusive; or

(B) if no alternative is identified which the Indian tribe agrees is less intrusive;

the governmental agency shall be deemed to have met its obligation to consider and pursue the least intrusive alternative under this Act in regard to the objection raised to the Federal or federally assisted undertaking by the Indian tribe invoking this subsection.

(c) RULE OF CONSTRUCTION.—Where the provisions of subsection (b) have been invoked, those requirements shall control in all circumstances and shall supersede any conflicting provisions in this Act or any other provision of law.

(d) DISCLOSURE REQUIRED.—Within 30 days of receipt of any written objection under subsection (a), the governmental agency proposing the Federal or federally assisted undertaking which gave rise to that notice shall disclose to and shall make available to the objecting party, all plats, maps, plans, specifications, socioeconomic, environmental, scientific, archaeological or historical studies, and comments and information in that agency's possession bearing on said undertaking.

(e) SPECIAL RULE FOR PUEBLOS REGARDING STANDING.—In the case of a proposed Federal or federally assisted undertaking affecting the management, use, or preservation of public land involving potential adverse religious impacts on any of the Indian pueblos of New Mexico or any of their religious sites, the only party with standing to file an objection or participate in consultation under this section, or to file an action under section 105 or

501, shall be the governor of the affected pueblo or the governor's designee.

SEC. 105. BURDEN OF PROOF.

(a) IN GENERAL.—

(1) BURDEN ON AGGRIEVED PARTY.—Except as provided in subsection (b), in any action brought under section 501(a), the aggrieved party shall have the burden of proving that the Federal or federally assisted undertaking or the State action having an impact upon the management, use, or preservation of public land, is posing or will pose a substantial threat of undermining or frustrating a Native American religion or a Native American religious practice.

(2) BURDEN ON AGENCY.—If the aggrieved party meets its burden of proof under paragraph (1), the Federal agency or State shall have the burden of proving that the governmental interest in the Federal or federally assisted undertaking or the State action is compelling.

(3) LEAST INTRUSIVE COURSE OF ACTION.—If the aggrieved party fails to meet its burden of proof under paragraph (1), but establishes that the Federal or federally assisted undertaking or the State action will alter or disturb the integrity of a Native American religious site or the sanctity thereof, or will have an adverse impact upon the exercise of a Native American religion or the conduct of a Native American religious practice, or if the Federal agency or State meets its burden of proof in paragraph (2), the Federal agency or State shall have the burden of proving that it has selected the course of action least intrusive on the Native American religious site or the Native American religion or religious practice.

(b) CASES WHERE SECRECY IS REQUIRED.—In the case of any proceeding involving a Native American religious site or associated religious practices of an Indian tribe described in section 104(b), if the Indian tribe objects to the Federal or federally assisted undertaking or State action based upon any of the grounds specified in section 104(a), the provisions of section 104(b) shall apply and the Federal agency or State shall have the burden of proving that—

(1) it has a compelling interest in pursuing the Federal or federally assisted undertaking or the State action as originally proposed;

(2) it is essential that the Federal agency's or State's compelling interest be furthered as originally proposed; and

(3) none of the less intrusive alternatives (if any) identified in the consultation process, or by the Indian tribe, will adequately advance that compelling governmental interest.

The Federal agency or State shall retain this burden of proof at all stages of any proceeding or decisionmaking process involving an Indian tribe described in section 104(b) as to objections raised by that Indian tribe.

(c) FAILURE OF AGENCY TO MEET BURDEN.—If a Federal agency or State does not meet its burden of proof under this section, it shall not proceed with the proposed undertaking. For purposes of this section and section 501, the phrase "burden of proof" means the burden of production and the burden of persuasion.

(d) ESTABLISHMENT OF ADMINISTRATIVE PROCEDURE.—

(1) IN GENERAL.—A Federal agency may, by regulation, establish an administrative procedure to implement the requirements of this section.

(2) EXHAUSTION REQUIREMENT.—An aggrieved party must use a procedure established under paragraph (1) before filing an action in a Federal court pursuant to section 501(a).

(3) NEW FACTUAL FINDINGS.—If an action is filed in Federal court after exhaustion of administrative remedies, the court shall not defer to the factual findings of the Federal agency, but shall make its own factual findings based upon the record compiled by the Federal agency as well as other evidence that may be permitted by the court under Federal law.

SEC. 106. TRIBAL AUTHORITY OVER NATIVE AMERICAN RELIGIOUS SITES ON INDIAN LANDS.

(a) RIGHT OF TRIBE.—All Federal or federally assisted undertakings on Indian lands which may result in changes in the character or use of a Native American religious site or which may have an impact on access to a Native American religious site shall, unless requested otherwise by the Indian tribe on whose lands the undertakings will take place, be conducted in conformance with the laws or customs of the tribe.

(b) AGREEMENTS.—Any governmental agency proposing a Federal or federally assisted undertaking on Indian lands which may result in changes in the character or use of a Native American religious site or which may have an impact upon access to a Native American religious site, may enter into an agreement with the Indian tribe on whose lands the undertaking will take place for purposes of assuring conformance with the laws or customs of the tribe.

(c) PROTECTION BY TRIBES.—Indian tribes may regulate and protect Native American religious sites located on Indian lands.

(d) OTHER AUTHORITIES.—

(1) SOVEREIGN AUTHORITY OF TRIBES.—The provisions of this section are in addition to and not in lieu of the inherent sovereign authority of Indian tribes to regulate and protect Native American religious sites located on Indian lands.

(2) NATIONAL SECURITY.—The provisions of this section shall not apply if the President determines that national security concerns are directly affected by a Federal or federally assisted undertaking.

(3) DUTY TO NOTIFY.—This section does not relieve a governmental agency of any duty pursuant to section 103 to notify an Indian tribe of a Federal or federally assisted undertaking on Indian lands which may result in changes in the character or use of a Native American religious site.

SEC. 107. APPLICATION OF OTHER LAWS.

(a) IN GENERAL.—Nothing in this title shall be construed to deprive any person or entity of any other rights which might be provided under the laws, regulations, guidelines, or policies of the Federal, State, and tribal governments, including but not limited to the National Historic Preservation Act (16 U.S.C. 470 et seq.), to receive notice of, comment upon, or otherwise participate in the decisionmaking process regarding a Federal or federally assisted undertaking.

(b) EXISTING PROCEDURES.—To the maximum extent possible, the procedures required by this Act shall be incorporated into existing procedures applicable to the management of Federal lands and decisionmaking processes of Federal agencies engaged in Federal or federally assisted undertakings.

SEC. 108. CONFIDENTIALITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, whenever information has been obtained as a result of or in connection with a proceeding pursuant to section 105 or 501 or consultation pursuant to sections 102 and 104, all references pertaining to—

(1) specific details of a Native American religion or the significance of a Native American religious site to that religion; or

(2) the location of that religious site; shall be deleted from the record of a Federal agency or court before the record is released to any party or the general public pursuant to the Freedom of Information Act (5 U.S.C. 552) or any other applicable law.

(b) SUPPLEMENTATION OF RECORD.—The agency or court shall supplement the record described in subsection (a) to include the general results and conclusions of the administrative or judicial review to the extent necessary to provide other interested parties with sufficient information to understand the nature of, and basis for, a decision by the Federal agency or court.

(c) EXCEPTIONS.—This section shall not apply—

(1) where all parties to a proceeding (excluding the Federal Government) waive its application, and

(2) in case of a Native Hawaiian religious site, where the information is sought by a Native Hawaiian organization for the purpose of protecting such site.

(d) OTHER LAW.—Indian tribes, Native Hawaiian organizations, Native American traditional leaders, and Native American practitioners seeking to maintain the confidentiality of information relating to Native American religious sites may also seek redress through existing laws requiring that certain information be withheld from the public, including, but not limited to the National Historic Preservation Act (16 U.S.C. 470w-3) and the Archaeological Resources Protection Act (16 U.S.C. h).h).

SEC. 109. CRIMINAL SANCTIONS.

(a) DAMAGING RELIGIOUS SITES.—

(1) INITIAL VIOLATION.—Any person who knowingly damages or defaces a known Native American religious site located on Federal land, except as part of an approved Federal or federally assisted undertaking or an action authorized by a governmental agency with the authority to approve such activity, shall, upon conviction, be fined not more than \$10,000, or imprisoned not more than 1 year, or both.

(2) SUBSEQUENT VIOLATIONS.—In the case of a second or subsequent violation, a person shall be fined not more than \$100,000, or imprisoned not more than 5 years, or both.

(b) RELEASE OF INFORMATION.—

(1) INITIAL VIOLATION.—Any person who knowingly releases any information required to be held confidential pursuant to this title shall, upon conviction, be fined not more than \$10,000, or imprisoned not more than 1 year, or both.

(2) SUBSEQUENT VIOLATIONS.—In the case of a second or subsequent violation, be fined not more than \$100,000, or imprisoned not more than 5 years, or both.

TITLE II—TRADITIONAL USE OF PEYOTE

SEC. 201. FINDINGS.

The Congress finds that—

(1) some Indian people have used the peyote cactus in religious ceremonies for sacramental and healing purposes for many generations, and such uses have been significant in perpetuating Indian tribes and cultures by promoting and strengthening the unique cultural cohesiveness of Indian tribes;

(2) since 1965, this religious ceremonial use of peyote by Indians has been protected by Federal regulation, which exempts such use from Federal laws governing controlled substances, and the Drug Enforcement Administration has manifested its continuing support of this Federal regulatory system;

(3) the State of Texas encompasses virtually the sole area in the United States in which peyote grows, and for many years has administered an effective regulatory system

which limits the distribution of peyote to Indians for ceremonial purposes;

(4) while numerous States have enacted a variety of laws which protect the ceremonial use of peyote by Indians, many others have not, and this lack of uniformity has created hardships for Indian people who participate in such ceremonies;

(5) the traditional ceremonial use by Indians of the peyote cactus is integral to a way of life that plays a significant role in combating the scourge of alcohol and drug abuse among some Indian people;

(6) the United States has a unique and special historic trust responsibility for the protection and preservation of Indian tribes and cultures, and the duty to protect the continuing cultural cohesiveness and integrity of Indian tribes and cultures;

(7) it is the duty of the United States to protect and preserve tribal values and standards through its special historic trust responsibility to Indian tribes and cultures;

(8) existing Federal and State laws, regulations and judicial decisions are inadequate to fully protect the ongoing traditional uses of the peyote cactus in Indian ceremonies;

(9) general prohibitions against the abusive use of peyote, without an exception for the bona fide religious use of peyote by Indians, lead to discrimination against Indians by reason of their religious beliefs and practices; and

(10) as applied to the traditional use of peyote for religious purposes by Indians, otherwise neutral laws and regulations may serve to stigmatize and marginalize Indian tribes and cultures and increase the risk that they will be exposed to discriminatory treatment.

SEC. 202. TRADITIONAL USE OF PEYOTE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the use, possession, or transportation by an Indian of peyote for bona fide ceremonial purposes in connection with the practice of a Native American religion by an Indian is lawful and shall not be prohibited by the Federal Government or any State. No Indian shall be penalized or discriminated against on the basis of such use, possession or transportation, including, but not limited to, denial of otherwise applicable benefits under public assistance programs.

(b) REGULATION AUTHORIZED.—This section does not prohibit such reasonable regulation and registration of those persons who import, cultivate, harvest or distribute peyote as may be consistent with the purpose of this title.

(c) TEXAS LAW.—This section does not prohibit application of the provisions of section 481.111(a) of Vernon's Texas Code Annotated, in effect on the date of enactment of this Act, insofar as those provisions pertain to the cultivation, harvest or distribution of peyote.

TITLE III—PRISONERS' RIGHTS

SEC. 301. RIGHTS.

(a) IN GENERAL.—

(1) ACCESS.—Notwithstanding any other provision of law, Native American prisoners who practice a Native American religion shall have, on a regular basis comparable to that access afforded prisoners who practice Judeo-Christian religions, access to—

(A) Native American traditional leaders who shall be afforded the same status, rights and privileges as religious leaders of Judeo-Christian faiths;

(B) subject to paragraph (6), items and materials utilized in religious ceremonies; and

(C) Native American religious facilities.

(2) MATERIALS.—Items and materials utilized in religious ceremonies are those items

and materials, including foods for religious diets, identified by a Native American traditional leader. Prison authorities shall treat these items in the same manner as the religious items and materials utilized in ceremonies of the Judeo-Christian faith.

(3) HAIR.—

(A) RIGHT OF PRISONER.—Except in those circumstances where subparagraph (B) applies, Native American prisoners who desire to wear their hair according to the religious customs of their Indian tribes may do so provided that the prisoner demonstrates that—

(i) the practice is rooted in Native American religious beliefs; and

(ii) these beliefs are sincerely held by the Native American prisoner.

(B) DENIAL OF REQUEST.—If a Native American prisoner satisfies the criteria in paragraph (3)(A), the prison authorities may deny such request only where they can demonstrate that the legitimate institutional needs of the prison cannot be met by viable less restrictive means which would not create an undue administrative burden.

(4) DEFINITION OF "RELIGIOUS FACILITIES".—The term "religious facilities" includes sweat lodges, teepees, and access to other secure, out-of-doors locations within prison grounds if such facilities are identified by a Native American traditional leader to facilitate a religious ceremony.

(5) DISCRIMINATION PROHIBITED.—No Native American prisoner shall be penalized or discriminated against on the basis of Native American religious practices, and all prison and parole benefits or privileges extended to prisoners for engaging in religious activity shall be afforded to Native American prisoners who participate in Native American religious practices.

(6) SCOPE OF SUBSECTION.—Paragraph (1) shall not be construed as requiring prison authorities to permit (nor prohibit them from permitting) access to peyote or Native American religious sites.

(b) COMMISSION TO INVESTIGATE RELIGIOUS FREEDOM.—

(1) IN GENERAL.—The Attorney General shall establish the Commission on the Religious Freedom of Native American Prisoners (hereafter in this section referred to as the "Commission") to investigate the conditions of Native American prisoners in the Federal and State prison systems with respect to the free exercise of Native American religions.

(2) REPORT.—Not later than 36 months after the date of enactment of this Act, the Commission shall submit to the Attorney General and the Congress a report containing—

(A) an institution-by-institution assessment of the recognition, protection, and enforcement of the rights of Native American prisoners to practice their religions under this Act; and

(B) specific recommendations for the promulgation of regulations to implement this Act.

(3) COMPOSITION OF COMMISSION.—The Commission shall consist of 5 members, at least 3 of whom shall be Native Americans and—

(A) at least 1 of whom shall be a Native American traditional leader;

(B) at least 1 of whom shall be a Native American ex-offender; and

(C) at least 1 of whom shall be a Native American woman.

(4) NOMINATIONS.—The Native American members selected under paragraph (2) shall be appointed from nominations submitted by Indian tribes, Native Hawaiian organizations and Native American traditional leaders.

(5) CHAIRPERSON.—The Commission shall select 1 of its members to serve as Chairperson.

(6) COMPENSATION.—Each member of the Commission who is not a Federal employee shall be compensated at a rate equal to the daily equivalent of that prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code. All members of the Commission while away from home or their place of business, in the performance of the duties of the Commission, shall be allowed travel and other related expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government services are allowed expenses under section 5703 of title 5, United States Code.

(7) STAFF.—The Commission may hire, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay without regard to the provisions of chapter 51, and subchapter III of chapter 52 of such title relating to classification and General Schedule pay rates, such staff as necessary to fulfill its duties under this section. In addition, the Commission may request any Federal department or agency to make available to the Commission personnel on a nonreimbursable basis, to assist the Commission in fulfilling such duties.

(8) TERMINATION.—The Commission shall cease to exist upon the expiration of the 60-day period following the date of submission of its report to the Congress.

TITLE IV—RELIGIOUS USE OF EAGLES AND OTHER ANIMALS AND PLANTS

SEC. 401. RELIGIOUS USE OF EAGLES.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Director of the United States Fish and Wildlife Service (hereafter in this section referred to as the "Director") shall, in consultation with Indian tribes and Native American traditional leaders, develop a plan to—

(1) ensure the prompt disbursement from Federal repositories of available bald or golden eagles, or their parts, nests, or eggs for the religious use of Indians upon receipt of an application from a Native American practitioner;

(2) provide that sufficient numbers of bald or golden eagles are allocated to Native American practitioners to meet the demonstrated need where they are available by reason of accidental deaths, natural deaths, or takings permitted by Federal law; and

(3) simplify and shorten the process by which permits are authorized for the taking, possession, and transportation of bald or golden eagles, or their parts, nests, or eggs for the religious use of Indians.

(b) CONSULTATION WITH REGIONAL ADVISORY COUNCILS.—In developing the plan required by subsection (a), the Director shall consult with the Regional Advisory Councils established pursuant to subsection (c) to determine whether these goals might best be met by decentralizing the system for the disbursement of bald or golden eagles or their parts, nests, or eggs for Native American religious purposes.

(c) REGIONAL ADVISORY COUNCILS.—

(1) ESTABLISHMENT.—Within 120 days after the date of enactment of this Act, the Regional Directors of the United States Fish and Wildlife Service shall establish Regional Advisory Councils.

(2) COMPOSITION.—Each Regional Advisory Council shall consist of 3 Native American traditional leaders appointed by each Regional Director of the United States Fish and Wildlife Service from nominations sub-

mitted by Indian tribes and Native American traditional leaders located within the region.

(3) DUTIES.—The Regional Directors and the Regional Advisory Councils, in consultation with Indian tribes and Native American traditional leaders, shall—

(A) develop a plan to—

(i) ensure that all bald and golden eagles and their parts, nests, or eggs which are recovered within the region are promptly transmitted to and collected by the United States Fish and Wildlife Service and made available for distribution as provided by law and consistent with the plan developed by the Director pursuant to subsection (a); and

(ii) expedite the review and approval of permit applications at each regional level;

(B) consult with the Director regarding the advisability of decentralizing the distribution system; and

(C) monitor the operation of the collection, permit, and, if applicable, the distribution system at the regional level.

(4) COMPENSATION.—Members of the Regional Advisory Councils established under paragraph (1) of this section shall serve without pay, but shall be reimbursed at a rate equal to the daily rate for GS-18 of the General Schedule for each day (including travel time) for which the member is actually engaged in council business. Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(d) TRIBAL LAW.—If bald or golden eagles or their parts, nests, or eggs are discovered on Indian lands and the Indian tribe on whose land the eagles or their parts, nests, or eggs were discovered has established or establishes, by tribal law or custom, a procedure for—

(1) issuance of tribal permits to Native American practitioners; and

(2) distribution of bald or golden eagles or their parts, nests, or eggs in accordance with tribal religious custom, the Indian tribe may distribute said bald or golden eagles or their parts, nests, or eggs to Native American practitioners in accordance with such tribal law or custom.

(e) SCOPE OF SUBSECTION (d).—Subsection (d) applies only to eagles which have died by reason of accidental deaths or natural deaths and does not authorize the taking of live eagles which, subject to standards established in section 501(b), shall continue to be governed by regulations promulgated by the United States Fish and Wildlife Service. An Indian tribe under subsection (d) shall provide an annual report by March 31 of each year to the United States Fish and Wildlife Service summarizing the number and type of bald and golden eagles and their parts, nests, and eggs that have been discovered and distributed during the previous calendar year.

SEC. 402. OTHER ANIMALS AND PLANTS.

(a) PLAN.—Within 1 year after the date of enactment of this Act, the Director of the United States Fish and Wildlife Service shall, in consultation with Indian tribes and Native American traditional leaders, develop a plan to implement the recommendations of the President's 1979 American Indian Religious Freedom Task Force Report regarding the disposition of surplus plant and animal products by Federal agencies.

(b) ASSESSMENT.—In developing this plan, the Director shall—

(1) assess the availability of surplus animals, plants or parts from Federal agencies;

(2) determine whether there is a need for such parts for religious purposes by Native American practitioners; and

(3) evaluate the feasibility of developing a joint uniform set of regulations to govern the disposition of surplus animals, plants or parts which have been confiscated or gathered under the jurisdiction and control of Federal agencies.

TITLE V—JURISDICTION AND REMEDIES

SEC. 501. JURISDICTION AND REMEDIES.

(a) IN GENERAL.—Any appropriate United States district court shall have original jurisdiction over a civil action for equitable or other relief, including damages, brought by an aggrieved party against the United States or a State to enforce the provisions of this Act.

(b) BURDEN OF PROOF.—

(1) IN GENERAL.—Except as provided in titles I through III, if an aggrieved party meets the burden of proving that a governmental action restricts or would restrict the practitioner's free exercise of religion, the governmental authority shall refrain from such action unless it can demonstrate that application of the restriction to the practitioner is essential to further a compelling governmental interest and the application is the least restrictive means of furthering that compelling governmental interest.

(2) SPECIAL RULE FOR NATIVE AMERICAN PRACTITIONERS.—The burden of proof for a Native American practitioner is a showing of any evidence that a restriction upon the practitioner's free exercise of religion exists as a result of Federal or State action. Native American practitioners may elect to provide testimony about their beliefs in camera or in some other protective procedure.

(c) ATTORNEY'S FEES.—An aggrieved party who is a prevailing party in any administrative or judicial proceeding brought pursuant to this Act shall be entitled to attorney's fees, expert witness fees, and costs under the provisions of section 504 of title 5, United States Code, and section 2412 of title 28, United States Code.

TITLE VI—MISCELLANEOUS

SEC. 601. SAVINGS CLAUSE.

Nothing in this Act shall be construed as abrogating, diminishing, or otherwise affecting—

(1) the inherent rights of any Indian tribe;

(2) the rights, express or implicit, of any Indian tribe which exist under treaties, Executive Orders and laws of the United States; and

(3) the inherent right of Native Americans to practice their religions.

SEC. 602. SEVERABILITY.

If any title or section of this Act, or any provision or portion thereof, is declared to be unconstitutional, invalid, or inoperative in whole or in part, by a court of competent jurisdiction, such title, section, provision or portion thereof shall, to the extent it is not unconstitutional, invalid, or inoperative, be enforced and effectuated, and no such determination shall be deemed to invalidate or make ineffectual the remaining provisions of the title, section, or provision.

SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 604. EFFECTIVE DATE.

This Act takes effect on the date of its enactment. Application and enforcement of this Act does not depend upon the promulgation of regulations by any governmental agency.●

Mr. HATFIELD. Mr. President, I am pleased today to cosponsor the Native American Free Exercise of Religion

Act of 1993. Earlier this year, I rejoined the Committee on Indian Affairs after having served on the committee in the 95th and 96th Congresses. I am very much looking forward to working again on such important issues as religious freedom with Chairman INOUE, Vice Chairman MCCAIN, and the many other distinguished members of the committee.

The issue addressed by the Native American Free Exercise of Religion Act drives to the very heart of what this country should, and indeed does, represent to other nations all around the globe. The protection that we afford the free exercise of religion stands as a sterling example to the rest of the world of what a free thinking society must demand of its government.

As Americans, most of us take these religious freedoms for granted. We grow up worshipping every week or every day without thinking about the daily persecution that our ancestors suffered before coming to this great land. Continuing from the colonial period through today, there has been a constant flow of people into this country who have found refuge in the great ideals of those who founded this new concept of freedom.

But, just as the first amendment was created by the Founding Fathers to protect themselves and their posterity from persecution as suffered in Europe, so must it continue to protect the free exercise of religion for those Americans whose ancestors were already on this land when our new Nation was formed. The rich diversity that we enjoy in this country demands that practices which are an integral part of a culture, tradition, and heritage be protected.

As of late, some question has arisen regarding this country's commitment to protecting the free exercise of religion for all Americans. This is especially evident in some recent decisions of the Supreme Court. In my home State of Oregon, we are very familiar with one of the cases, *Employment Division v. Smith*, 494 U.S. 872 (1990). In this instance the court held that an Oregon State law of general affect could abridge the free practice of religious rituals such as use of peyote by bona fide members of the Native American Church.

I have also cosponsored the Religious Freedom Restoration Act which would return the law to pre-Smith status. And while I believe that the impact of this debate reaches far beyond any particular religion, I believe that the specific provisions in the Native American Free Exercise of Religion Act addressing the Smith decision are needed to ensure protection for native American practices.

In addition, it is important that another decision, *Lyng v. Northwest Indian Cemetery Association*, 485 U.S. 439 (1988), not be allowed to continue to

deny native American input into Government actions that might affect historically sacred sites. These lands and natural formations are integral to the exercise of many native American religious ceremonies involving the physical environment, water, plants, and animals associated with those sites.

Similarly, it is only fitting that native American prisoners who practice a native American religion should have access to traditional leaders and facilities comparable to the access afforded prisoners who practice Judeo-Christian religions. However, it is reasonable to place certain limits on these freedoms such as allowing prison authorities to deny prisoners access to peyote and religious sites.

These examples of issues addressed by the Native American Free Exercise of Religion Act illuminate the very essence of the words of the first amendment. More than just a long set of clauses in an aged document, these words constitute an assurance of freedom granted by the Government to all people. No one religion is above any other; no philosophy reigns supreme. As Americans, each of us is assured protection, within reasonable boundaries, to practice our sincerely held religious faiths as we believe. Almost everyday news of barbaric actions in other countries reminds us all too well of why this constitutional protection is just as critical now as it was when ratified over 200 years ago. I commend Chairman INOUE for his work in addressing this difficult issue and urge swift passage of this bill.

Mr. WELLSTONE. Mr. President, I am pleased to join today with Senator INOUE in sponsoring the Native American Free Exercise of Religion Act of 1993 [NAFERA]. Senator INOUE is to be congratulated not only for introducing this legislation today, but for the leadership he has shown in putting together the bill. Senator INOUE and his staff have spent a great deal of time on the road, traveling around the country, listening to native Americans, religious leaders, constitutional scholars, and others before writing this final version of the bill. He worked closely with native groups in many States in order to see that their concerns were met in the proposed legislation. I am proud to note that one of the many field hearings on this legislation took place in my State, Minnesota, and I think that some of the views expressed there have had some impact on the form this legislation has finally taken. This is, Mr. President, a good example for all of us to follow—a legislative process in which the people affected by the legislation are included, not just as examples of the wrong we intend to right, in a brief hearing here in Washington, but as consultants on the very elements of the bill itself.

Throughout the series of hearings held around the country on NAFERA,

one theme repeated itself over and over again: our traditional understanding of how to protect religious freedom, based on a European understanding of religion, is insufficient to protect the rights of the first Americans. I believe that the bill we are introducing today will move this country toward a broader definition of religion and, in doing so, make it possible for all Americans to enjoy the freedom to worship in their own manner.

About a year ago, the distinguished anthropologist Jack Weatherford, who teaches at Macalester College in St. Paul, published a stirring opinion piece in the Minneapolis Star-Tribune, calling on Congress to guarantee the rights of native Americans to worship in their traditional ways, on their traditional sacred sites. Professor Weatherford wrote, and I am quoting directly here, that:

Of all the spiritual suffering a people can undergo, the separation from traditional religious sites seems to be one of the most painful and often one of the most difficult to justify by any government. For religions such as Judaism, Islam, Taoism, Hinduism and Christianity, the sacred site usually is a temple, church, monastery or shrine. For the native peoples who follow traditional ways of worship, the site more often is a sacred brook, a quiet forest, a rocky promontory, a special lake or some other natural spot that has not been transformed into a man-made edifice.

This sort of suffering, as Professor Weatherford and many others have noted, occurs all over this country, every day. Indian sacred sites are destroyed by builders, sometimes even on Federal lands. Indians are prevented from practicing forms of worship that require isolation, peace, and quiet because their sites are invaded by tourists. In other cases, conflicts erupt around traditional practices simply because non-Indians do not understand them and feel threatened by them. This has often been the case with the ritual use of peyote. This lack of understanding has also played a role in the difficulties Indian inmates have faced in having access to traditional practitioners when in prison. Mr. President, it is time for us to find a way to put an end to these difficulties and to provide native Americans with the same chances for freedom of worship that we already provide to most other Americans.

I think that I can, as a Jewish American, make a claim to a special understanding of some of the issues at stake here. Every year, for the past 2,000 years, Jews have celebrated the holiday of Passover, commemorating the exodus of our ancestors from slavery in Egypt and their eventual return to the land of Israel. And every year, every Jewish family has finished its ritual dinner, the seder, with the phrase, "next year in Jerusalem." To many, this is not meant to refer to some spiritual Jerusalem, some paradise in the afterlife. It is a reference to the real

city and the real place. Of course, today there is serious controversy around what part of Israel should be considered sacred to Jews and what parts can be returned to the Palestinian people. But my main point here is that as a Jew, I do not find it at all strange that a people should mark their history and the history of their spirituality in real, concrete places. Jews have often done this. So, I might add, have many other peoples.

What we are talking about here is not religion in the sense it is often understood in the United States. Religion, for traditional native Americans, is not some set of practices easily distinguished from everyday life, accomplished in specific buildings, with particular religious authorities presiding. Instead, religion is deeply intertwined with the very fabric of native American cultural identities. At our hearing in Minnesota we heard witnesses speak in moving terms about these ties and about the importance of traditional spirituality in their everyday lives. But, again, I want to stress some parallels here. How often have we heard the debate about whether Judaism is a culture or a religion? In the end, for most Jews, you cannot separate the two. The same is true for native Americans.

I think that it is clear that when we talk about religious freedom for native Americans, our first problem is to clear up the obvious misunderstandings about what is under consideration. For native Americans, religion means something different than it does for the dominant religions in this country. But once we understand what that meaning is, it should be a simple matter for us to understand that their freedom to worship ought to be guaranteed. I am sure that I do not need to remind my colleagues that freedom of religion is one of the fundamental rights provided for every citizen of this country.

But I think we need to go just a little further in our understanding of this question. The Congress of the United States, and with it, the entire Federal Government, has an obligation to protect the rights of Indian tribes. This is called the trust relationship. I want to stress that while there are general reasons of religious freedom behind the legislation we are introducing today, the Native American Free Exercise of Religion Act of 1993, is needed because we have an obligation to protect Indian rights to free worship. The question is not, should we protect Indian religious freedom? Instead, we must ask, how can we best live up to our obligation to protect that freedom?

This is an important question, because one might legitimately want to ask why we need a bill to address specifically the religious freedom of native Americans, instead of a bill that addresses all religious at one time. There is, of course, such a bill, the Re-

ligious Freedom Restoration Act [RFRA], which has been recently introduced by my colleague from Massachusetts, Senator KENNEDY, and of which I am an original co-sponsor. I believe that there is a strong argument to be made that both of these bills ought to be made into law. RFRA is designed to respond in a very general way to judicial decisions that have been made in recent years restricting the right to free practice of religion. It will restore the compelling interest test as the constitutional standard for the free exercise of religion. It sets a standard of a "least restrictive means" for furthering any compelling government interest in restricting free exercise. I want to stress that these standards worked well for many years, for most religions in this country. And that is a very good reason to support RFRA.

But leaving the definition of such standards up to the judiciary has not proven very effective for native American religions. In NAFERA, on the other hand, we provide language that makes clear the particularities of native religious practices we intend to address. Historically, Indian law and policy have been defined by the judiciary because we have often not made our intentions very clear here in Congress. With this bill, we are making our intentions very clear. Native Americans deserve the same religious freedoms as all other Americans and, if their religious priorities are very different from those of other Americans, we can use this bill to make sure that those differences are understood by the courts. For this reason alone, NAFERA is needed in addition to RFRA.

Yet there is another area where RFRA does not address in any clear way the specific needs of native American religious practice. As Prof. Philip Frickey, of the University of Minnesota Law School, said in his testimony before the Indian Affairs Committee, RFRA fails to clearly address the fundamental issue of native access to sacred sites. While, as Professor Frickey points out, RFRA is designed to restore the compelling interest/least restrictive means tests, in the important Lyng case, where a road was built across a sacred site, the court decided that the Government's action did not burden native religious practice because, and I am citing Professor Frickey's testimony here, it did not "coerce" native Americans "into violating their religious beliefs" or "penalize religious activity by denying any person an equal share of the rights, benefits, or privileges enjoyed by other persons." Professor Frickey goes on to say that "Lyng thus arguably redefined a 'burden' on the free exercise of religion to include only coercion or penalties surrounding the practice of religion, and to exclude the destruction of religious beliefs. Because the RFRA provides no independent, congressional

definition of 'burden', it seems reasonable to fear that Lyng would be decided the same way under RFRA as it was under the first amendment." In other words, in Lyng, Indian religions were understood as if they were just like other religions, a set of beliefs with no particular attachment to the land. RFRA provides no way to address the specificity of native religious practices. In NAFERA, we do. Mr. President, we cannot rely on RFRA to protect native American religion. We need to pass NAFERA as well. I am sure that upcoming hearings on NAFERA will further build the case I have outlined here.

Mr. President, if we are to guarantee the religious freedom of native Americans we need to make sure that all Americans understand that traditional native religions are different from those we usually have in mind when we speak of religious freedom. NAFERA is designed with native specificity in mind and, if passed, it will provide the means to protect native practices and to educate the public about those practices. The support of a broad spectrum of religious groups shows that that educational process is already underway. If we pass this bill, we can go even further in that process. What we are seeking is to find a way to preserve the rights of native Americans to worship freely, in their own manner, the spirits of their choosing. We are looking for the means to end the spiritual suffering of many native Americans described by Professor Weatherford. This bill is good public policy, Mr. President. I would like, once more, to thank Senator INOUE for introducing it and call upon my colleagues to join me in support of it.

Mr. MCCAIN. Mr. President, today Senator INOUE, the distinguished chairman of the Committee on Indian Affairs, has introduced the Native American Free Exercise of Religion Act of 1993. This bill involves a very complicated area of law which provokes strong and deeply held views. I want to commend Chairman INOUE for his leadership on this important issue. As is his usual custom, Senator INOUE has already invested a considerable amount of personal time chairing field hearings and conducting meetings to ascertain the concerns and views of tribal and traditional religious leaders. These consultations have led to the introduction of this bill which seeks to advance the policy established in 1978 under the American Indian Religious Freedom Act [AIRFA].

Mr. President, for the past several weeks a number of Indian tribes and members of the American Indian Religious Freedom Coalition have written to me urging my cosponsorship of this bill. I want to thank everyone who has taken the time to share with me their concerns regarding Indian religious freedom issues. I want to convey to the

Indian tribes, religious leaders, and coalition members my hope that this bill will spark a genuine consensus on the changes that are necessary to make AIRFA into an effective law. After careful review and notwithstanding a deep commitment to the goal of religious freedom, I have reluctantly decided not to cosponsor this bill.

Owing to the high level of interest in this issue, and because I do not want anyone to misinterpret my decision not to cosponsor this measure as being insensitive to the religious beliefs held by native Americans, I have decided to make this statement for the RECORD. This statement provides my general view on this issue and highlights a few of the specific concerns I have about the bill.

First, as some individuals will recall, I introduced S. 1124, the American Indian Religious Freedom Act Amendments of 1989, in the 101st Congress. Representative Udall introduced similar legislation in the House and both bills were the subject of hearings in the 101st Congress. While S. 1124 only addressed the issue of access to sacred sites, the bill set forth my general view that as a result of the enormous controversy among native Americans, Federal officials, and other parties, regarding the interpretation and implementation of AIRFA, the Congress had to provide further guidance for the resolution of the conflicts between the concepts inherent in Indian and native cultures and Federal land management practices. This balance of competing interests must be fully informed by the Constitution, our moral and legal obligations to native Americans, and the legitimate interest of the Federal Government in the sound management of Federal lands for the benefit of all Americans.

Under S. 1124, Federal lands which are considered sacred and indispensable to a native American religion and are necessary to the conduct of that religion were entitled to protection. These lands could not have been managed in a way that would have posed a substantial and realistic threat of undermining and frustrating the native American religion or religious practice. Under that bill, Federal officials were granted latitude to carry out legal responsibilities of the Federal Government; to protect a compelling governmental interest, or to protect a vested property right. These land management officials were required, to the greatest extent feasible, to select the course of action that would have been the least intrusive on traditional native American religions or religious practices. Nothing in S. 1124 compelled a Federal official to totally deny public access to Federal lands. The bill established explicit burdens of proof for all parties in any judicial challenge to a Federal land management decision. Petitioners in such cases would have been required to

prove that the Federal decision posed a substantial and realistic threat of undermining and frustrating a traditional native American religion or religious practice. If this burden of proof was met, the Federal agency was required to show that its decision was necessitated by law, to protect a compelling governmental interest, or to protect a vested property right. In all cases the agency was required to prove that their decision reflected the course of action which was the least intrusive on the traditional native American religion or religious practice. The Federal courts were given the authority to enter any order necessary to carry out the purposes of the bill.

I have purposely described S. 1124 because I want to remind interested parties that even though that bill was narrowly drafted it was opposed by the Justice Department on the ground that it violated the establishment clause of the Constitution. Other witnesses said that S. 1124 would create an unconstitutional Federal entanglement by requiring Federal agencies to make certain administrative determinations regarding religious practices. The proponents of the bill introduced today should be prepared to state why the two constitutional concerns noted above do not apply to this bill which contains far more restrictive provisions on Federal land managers than those included in S. 1124.

Second, I note that the Judiciary Committee has already acted on S. 578, the Religious Freedom Restoration Act. H.R. 1308, the companion legislation, passed the House on May 11. Both bills would overturn the 1990 Supreme Court ruling in *Employment Division versus Smith* by restoring the compelling interest standard on a State government which seeks to pass a law limiting religious freedom. In light of this recent congressional action, I am interested in knowing why the religious freedom bills referenced above do not address the fundamental concerns raised under titles I and III of this new bill. If the concerns have been addressed, then it seems to me that considerable time and expense can be saved by narrowing the focus of the bill to the remaining titles.

Third, I am concerned that the bill attempts to micromanage various Federal activities on issues involving eagle feathers, animal parts, and prisoners' rights. In addition, I am concerned that the commission called for in title III and the regional councils called for in title IV are unnecessary. It appears to me from the testimony I've reviewed on prisoners' rights and on the use of eagle feathers and plants, that the proponents of this bill are prepared to recommend administrative steps that can be taken by the cognizant Federal or State agencies. Again, time and expense can be saved without sacrificing the purposes of both titles. I am inter-

ested in knowing specific actions the proponents have taken since 1989 to work with the various Federal agencies to explore possible administrative remedies to the issues raised in both titles.

Finally, I am concerned that the omnibus character of this bill will make it much more difficult if not impossible to complete the legislative process. This point will perhaps become more apparent in the House of Representatives where a bill of this complexity will be referred to more than one committee. Such a result will only serve to delay the goal of making AIRFA into an effective law. While I recognize that each of the titles in the bill address important Indian religious freedom concerns, I believe it is incumbent on the tribal proponents to advise the Congress whether they are willing to amend AIRFA by breaking the bill into its various parts or to proceed with the bill in its entirety. I realize the thought of compromise is perhaps the most distant concept in the minds of tribal proponents today, however, all of us must deal with the art of the possible. In this instance, it may only be possible to consider one or more titles of the bill at this point in time while other titles are temporarily set aside. As I mentioned at the beginning of my statement, the issues surrounding AIRFA are complex and provoke strong and deeply held views. Examining Indian affairs issues in the legislative arena usually requires a significant amount of time owing to the enormous amount of education that most Members of Congress require to make informed judgments on pending issues. The size and complexity of this bill and the potential constitutional issues involved will require an unusual amount of time and patience by all parties.

In closing, let me repeat that it continues to be my hope that we will be able to achieve a consensus on advancing the policy goals of AIRFA. I am concerned, however, that the current approach, however well intended, will not yield the desired results and will only prolong the day when religious freedom can be ensured for all native Americans. I believe it is incumbent upon me as a U.S. Senator and as the vice chairman of the Committee on Indian Affairs to provide the Indian people with a legislative analysis that is straightforward and candid. I believe it is incumbent upon the Indian people to recognize the legislative constraints under which all Members of Congress must operate. Finally, I believe it is incumbent upon my colleagues and the Federal agencies to reexamine current policies and to seriously consider measures that can be taken to assure that those who occupied the lands of our Nation before us are ensured of their religious freedom.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 1022. A bill to prohibit the Secretary of the Interior from issuing oil and gas leases for waters off the coast of the State of New Jersey until the year 2000, and for other purposes; to the Committee on Energy and Natural Resources.

THE NEW JERSEY OFFSHORE OIL AND GAS MORATORIUM ACT

• Mr. BRADLEY. Mr. President, I am very pleased to introduce today, with my colleague, Senator LAUTENBERG, the Offshore Oil and Gas Moratorium Act. This legislation will add New Jersey to the other coastal areas for which moratoriums on oil and gas offshore development exist.

In July 1991, the U.S. Department of the Interior issued a 5-year comprehensive program for oil and gas development on the Outer Continental Shelf. This document is the blueprint for the Interior Department's efforts and goals for near-term development off the Jersey shore.

This document identified the mid-Atlantic region, which would include a number of tracts off the Jersey shore, for continued planning and lease sales in 1994 and 1997.

These proposals are much more likely to result in anxiety, bad press, and, ultimately, another blow to our coastal economy than to any significant discoveries of oil or gas. In the late 1970's, roughly 28 exploratory wells were drilled off our coast. Are any of these wells still producing oil or gas? No. All 28 are plugged and abandoned. Were there any commercial discoveries of oil and gas? No. Who expects there to be found significant quantities of oil or gas off our shore? I don't know of anyone.

This past summer was a happy one on the shore. On the beachwalk, many, many people expressed their joy in the clean water and beaches. There was a refreshing sense of optimism there. We don't need a new dark cloud to dampen this enthusiasm. We don't need to reconsider the issue of oil and gas leasing.

In last year's natural energy strategy bill, I included a ban on leasing off our coast until 2000. Unfortunately, even though both Houses agreed to my language, the whole title dealing with offshore issues was dropped because of other controversies. We didn't win; we didn't lose; we were rained out. It's time for a replay.

Every now and then, it's appropriate to draw a bright line: Some things you just don't do. They're not worth it. You don't violate the pristine Arctic plain in Alaska. And you don't burden a coastal ecology that's struggling to survive. You just don't drill off of our Jersey shore.

I ask unanimous consent that the text of my bill be printed following my remarks.

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

S. 1022

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 "New Jersey Offshore Oil and Gas Moratorium Act".

SEC. 2. DEFINITIONS.

As used in this Act.

(1) **LEASE.**—The term "lease" has the same meaning as is provided in section 2(c) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(c)).

(2) **PRELEASING ACTIVITY.**—The term "preleasing activity" means any activity conducted before a lease sale is held including—

- (i) the scheduling of a lease;
- (ii) a request for industry interest;
- (iii) a call for information or a nomination;
- (iv) the identification of an area;
- (v) the publication of a draft or final environmental impact statement;
- (vi) a notice of sale; and
- (vii) any form of rotary drilling.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

SEC. 3. NEW JERSEY OFFSHORE OIL AND GAS MORATORIUM.

Beginning on the date of enactment of this Act and ending on January 1, 2000, the Secretary of the Interior may not conduct any preleasing activity, or hold any lease sale, under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) with respect to the area seaward from the State of New Jersey.●

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1023. A bill to provide that no funds may be expended in fiscal year 1994 by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 164 in the April 1992 proposal for the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992-97; to the Committee on Energy and Natural Resources.

LEASING LEGISLATION

● Mr. LAUTENBERG. Mr. President, today Senator BRADLEY and I are introducing two bills to provide the coastal waters off New Jersey with the same protection from offshore oil and gas drilling which most other coastal areas of the country are afforded. Senator BRADLEY is joining me in introducing legislation to extend the existing moratorium on oil and gas drilling off the mid-Atlantic coast contained in the Interior appropriations bill through fiscal year 1994. I am joining Senator BRADLEY in introducing a bill to impose a moratorium on oil and gas drilling off New Jersey through the year 2000.

In 1988, then-candidate George Bush visited the New Jersey shore. He called the pollution of our coastal waters and beaches a "national tragedy," and promised to protect the Nation's shores. Yet in his June 1990 OCS moratoria decision, President Bush protected only a portion of the Nation's coastline. Although he established moratoria for most of the west coast,

much of New England and certain areas off western Florida for 10 years of study to determine the environmental impacts on these States from offshore oil and gas drilling, the President flatly ignored New Jersey. The decision effectively discriminates against New Jersey by saying that other offshore areas are somehow more sensitive and more deserving of protection.

Obviously President Bush did not believe that States like New Jersey deserve protection. But the economies of New Jersey and other unprotected States rely heavily on their coastal resources. The New Jersey shore is the driving force behind New Jersey's \$18 billion tourism sector, which is the second largest revenue-producing industry in the State. In 1991, 8.8 million people stayed overnight at the shore and an additional 59 million made day trips to New Jersey beaches. Furthermore, 353,000 people serviced these visitors in some capacity, making the tourism industry the No. 1 employer in the State.

Mr. President, even if we developed all the unleased portions of our OCS, it would provide us with less than 1 percent of world oil supplies. And the Marine Management Service has estimated that there is less than a month's worth of oil from the last proposed sale off the mid-Atlantic. These are meager benefits in the face of the potential economic and environmental risks posed to our vulnerable coastal States, and OCS development would do little to affect our reliance on the volatile world oil markets.

The waters off New Jersey are just as precious as those covered by President Bush's ban: Our beaches deserve equal treatment. Since the June 1990 decision, I have sent several letters to the President, and have met with the Director of the Mineral Management Service. In each instance, I have urged that New Jersey receive the same type of environmental reviews as those States which obtained moratoria. Unfortunately, the Bush administration proposed to lease acreage off New Jersey and other east coast States for oil and gas leasing.

The Congress has acted to remove the prejudice and instill some justice into the OCS planning and leasing processes. I have used my position on the Appropriations Committee to have the Congress include in the Interior appropriations bill moratoria to stop offshore oil and gas drilling leasing and preleasing activities off New Jersey by the Secretary of the Interior. And Senator BRADLEY worked to include in the Senate Energy Committee version of S. 2116, the National Energy Act, a prohibition on oil and gas drilling leasing and preleasing activities off the New Jersey coast until January 1, 2000. This and other provisions relating to offshore drilling were dropped in the conference on the energy bill.

One bill Senator BRADLEY and I are introducing today adopts the provision

Senator BRADLEY offered in the Energy Committee to S. 2116. It provides the same protection to the waters off New Jersey from oil and gas operations that President Bush established for most of the rest of the U.S. coast. The second bill which we are introducing would extend the existing moratorium contained in the Interior appropriations bill in the fiscal year 1994 Interior appropriations bill.

Senator BRADLEY and I, together with our colleagues Congressman BILL HUGHES and FRANK PALLONE, also are writing to President Clinton urging him to extend the existing offshore oil and gas moratoria to the waters off New Jersey. I am pleased that President Clinton's fiscal year 1994 budget would continue the existing moratoria for oil and gas operations off New Jersey for fiscal year 1994.

Mr. President, I urge my colleagues to support this legislation. And I ask unanimous consent that a copy of the appropriations moratorium bill which I am introducing, together with a copy of the letter Senator BRADLEY and I sent to President Clinton be included in the RECORD.

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

S. 1023

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no funds may be expended in fiscal year 1994 by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 164 in the April 1992 proposal for the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992-1997.

U.S. SENATE,

Washington, DC, May 20, 1993.

HON. WILLIAM J. CLINTON,
1600 Pennsylvania Avenue, NW.,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to ask that you reverse the policy of the last Administration and impose a moratorium on oil and gas leasing on the outer continental shelf off the Mid-Atlantic coast until the year 2000.

In 1990, President Bush imposed moratoria through the year 2000 on offshore lease sales off large portions of the nation's coasts. These moratoria addressed almost all controversial oil and gas lease sales except for the proposed sales off the Mid-Atlantic. Despite our requests, President Bush refused to include the Mid-Atlantic in his moratoria decisions.

The New Jersey coastline is one of our most precious resources. In 1991, 8.8 million people stayed overnight at the New Jersey shore and an additional 59 million made day trips to New Jersey's beaches. Coastal tourism at the shore—fishing, swimming, or just walking along the beach—generated \$8.9 billion in New Jersey in 1991.

New Jerseyans have been working hard to protect our coast and have made significant strides against various forms of pollution. But the threat posed by offshore oil and gas development to our efforts is obvious.

We fail to understand why our coastline is being treated differently from coastlines

around the country. New Jersey beaches and coastal waters are every bit as precious and threatened as those waters in which President Bush banned oil and gas activities.

Oil and gas drilling off the New Jersey coast is expected to produce no more than 13 days of the nation's energy needs. We believe that the risks posed to our coast by oil and gas development off our coasts are not worth 13 days of the nation's energy needs.

We urge you to reverse President Bush's policy and establish the same moratoria on outer continental shelf drilling off the New Jersey coast that President Bush established for most of the rest of our coastline.

Sincerely,

BILL BRADLEY,
FRANK R. LAUTENBERG,
FRANK PALLONE, JR.,
WILLIAM J. HUGHES.●

By Mr. BRADLEY:

S. 1024. A bill to establish a demonstration program to develop new techniques to prevent coastal erosion and preserve shorelines; to the Committee on Banking, Housing, and Urban Affairs.

LOCAL INNOVATION AND COASTAL PROTECTION ACT

● Mr. BRADLEY. Mr. President, I rise today to introduce legislation to bring new ideas and local energy to the enormous task of protecting our Nation's beaches. I am very pleased to be joined in this effort by Senator LAUTENBERG.

For a long time, I've made very clear to all my interest and love of the shore. This is where I come with my family in the summer, as many other New Jerseyites. This is where I have focused a lot of my own attention, whether it's to celebrate the shore's history and diversity by a New Jersey Coastal Heritage Trail, or to address less pleasant issues such as oil spills and medical waste.

Last winter, the shore was battered by a series of storms. A lot of property was damaged. A lot of beach simply vanished. Partly as a result of these storms, we have an ongoing debate both in the State and nationally as to what to do and how to prevent damage.

My own research tells me we have yet a lot to learn about living on the shore. My communities have watched their beaches steadily erode. On our coast, we've spent millions to counter erosion, often with little to show for our efforts.

In 1982 and 1983, for instance, I had to get \$12 million in emergency appropriations to save the access road to the Sandy Hook National Recreation Area. We pumped sand on the disappearing beach. By 1989, we needed another \$6 million to do the same thing. Today, the Park Service is requesting yet \$8 million more.

Frankly, we've been very simple-minded in our approaches—relying too often on pumped concrete or pumped sand. We've got to get new tools, new approaches. We need innovation and we need it now.

Last year, my office was contacted by citizens from Spring Lake. They had

been working with a local inventor and some researchers at the Stevens Institute. Their small experiment used two chains of concrete disks, laid across the beach, as a simple way to reverse erosion. Lo and behold, the experiment appeared to work: The beach grew.

Last spring, these constituents reached out to me to help enlarge and better monitor the experiment. I wanted to help. But, other than requesting a specific line item in an appropriations bill, there seemed to be little way to encourage the town's interest and innovative spirit.

The legislation I am introducing today in the Senate will change that. My bill will target and encourage innovation. It will reach out to communities, to counties, to States, and urge them to be creative, to find a better way to protect and enhance our shores.

Here's how the bill works:

The bill sets up a program, managed by FEMA, which allows coastal municipalities, counties, and States to apply for Federal grants. The Federal Government is authorized to fund projects for up to \$500,000. A local cost share of at least 25 percent is required.

The grants are intended for projects that target coastal erosion and are considered innovative or experimental. This is a program to develop new ideas first and last.

A special preference is given to those projects that use natural features, planning, temporary or portable structures to control or counter erosion. If we can, we want to minimize the footprint of these projects and encourage flexibility. While an approach, for instance, that relied on poured concrete and embedded steel wouldn't be ruled out, it is not the first choice.

All grants would include a provision that required a complete analysis, at full Government expense, of the long-term impacts and impacts to neighboring communities. We're not trying to find new Band-Aids. We're not trying to steal sand from one beach for another. We're looking for real solutions.

The grant money will be provided by the likely beneficiaries, with direct safeguards. The legislation calls for a separate fund financed by a \$5 per year fee on coastal community flood insurance policies. However, this is not your normal trust fund: First, if the money is not spent appropriately and is allowed to accumulate, the authority to collect the fee is withdrawn; second, every contributing policyholder will get an annual accounting of the program—this will help spread the word about the program, and its successes and failures; and third, after 4 years, the program stops and all unobligated funds are returned to the policyholders.

Additionally, the bill calls on the FEMA flood insurance managers to develop a list of approved erosion reduction techniques. FEMA is authorized to

allow appropriate flood insurance discounts to those communities that aggressively employ these techniques and reduce the risks of erosion.

What I've tried to do is create a small, responsible, and forward-looking program. I've tried to make sure that the funds will actually be there to implement the program. I've tried to safeguard those funds so they don't get hijacked to other purposes.

I ask unanimous consent that the text of the bill be printed following my remarks.

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

S. 1024

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 "Local Innovation and Coastal Protection Act of 1993".

SEC. 2. PROGRAM AUTHORITY.

(a) IN GENERAL.—Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.) is amended by adding at the end the following new section:

"SEC. 1366. EROSION MITIGATION DEMONSTRATION PROGRAM.

"(a) IN GENERAL.—The Director shall make grants, with amounts made available from the Coastal Erosion Control Fund established under section 1367, to demonstrate the feasibility of innovative mitigation activities designed to minimize coastal erosion, preserve shorelines, and avoid environmental degradation.

"(b) ELIGIBLE RECIPIENTS.—The Director may make grants under this section to—

"(1) any State; and
"(2) any community participating in the national flood insurance program under this title that—

"(A) has suffered recurring flood damages and claims, as determined by the Director; and

"(B) is in full compliance with the requirements under the national flood insurance program.

"(c) ELIGIBLE ACTIVITIES.—

"(1) IN GENERAL.—A grant under this section may be used to develop and test innovative techniques to minimize coastal erosion and preserve shorelines.

"(2) PRIORITY.—In making grants under this section, the Director shall give a priority to eligible recipients that conduct projects to demonstrate the feasibility of techniques that—

"(A) have application to more than 1 location;

"(B) substantially broaden the applicability of proven erosion control techniques; or

"(C) avoid permanent structural alterations and rely instead on natural designs, including the use of vegetation, or temporary structures, to accomplish their goal.

"(d) APPLICATIONS.—The Director shall make grants under this section on the basis of a nationwide competition, in accordance with such application forms and procedures as the Director may establish.

"(e) MAXIMUM AMOUNT.—The total amount of any grant under this section may not exceed \$500,000 for any project assisted under this section.

"(f) PROGRAM REQUIREMENTS.—

"(1) MATCHING REQUIREMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (C), a grant under this section

may not exceed 3 times the amount that the recipient certifies, as the Director shall require, that the recipient will contribute from non-Federal funds to carry out activities assisted with amounts provided under this section.

"(B) NON-FEDERAL FUNDS.—For purposes of this subsection, the term 'non-Federal funds' includes—

- "(i) State or local agency funds,
- "(ii) any salary paid to staff to carry out the activities of the recipient,
- "(iii) the value of the time and services contributed by volunteers to carry out such activities (at a rate determined by the Director), and
- "(iv) the value of any donated material or building and the value of any lease on a building.

"(C) NO MATCH REQUIRED FOR EVALUATION.—No non-Federal contribution is required for the conduct of evaluations under paragraph (2).

"(2) REPORT.—Not later than 5 years after the receipt of a grant under this section, the recipient of the grant shall transmit to the Director a report that—

"(A) evaluates the long-term effectiveness of the techniques that were developed under this section; and

"(B) assesses any impact that such techniques have had on adjacent coastal areas.

"(g) REPORT TO CONGRESS.—The Director shall transmit to the Congress an annual report that—

"(1) summarizes the erosion mitigation techniques developed pursuant to this section;

"(2) describes the status of the Coastal Erosion Control Fund established under section 1367; and

"(3) recommends any legislative or administrative action necessary to further the purposes of this section.

"(h) AUTHORIZATION.—There are authorized to be appropriated to carry out this section, from the Coastal Erosion Control Fund under section 1367, \$12,500,000 for each of the fiscal years 1994 through 1997."

SEC. 3. ESTABLISHMENT OF COASTAL EROSION CONTROL FUND.

Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.), as amended by section 2, is further amended by adding at the end the following new section: **"SEC. 1367. ESTABLISHMENT OF COASTAL EROSION CONTROL FUND.**

"(a) IN GENERAL.—The Director shall establish in the Treasury of the United States a fund to be known as the Coastal Erosion Control Fund (hereafter in this section referred to as the 'Fund'), which shall be available, to the extent provided in appropriation Acts, for grants under section 1366.

"(b) CREDITS.—The Fund shall be credited with any premium surcharges assessed under section 1308(e)."

SEC. 4. INSURANCE PREMIUM MITIGATION SURCHARGE.

(a) IN GENERAL.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by adding at the end the following new subsections:

"(e) Notwithstanding any other provision of this title, the Director shall assess, with respect to each contract for flood insurance coverage under this title, an annual mitigation surcharge of \$5. The surcharges shall be paid into the Coastal Erosion Control Fund under section 1367, and shall not be subject to any agents' commissions, company expenses allowances, or State or local premium taxes.

"(f) The Director shall not assess any surcharge under subsection (e) if the balance of the Fund exceeds \$15,000,000.

"(g) The Director shall transmit to those who paid a surcharge under subsection (e)—

"(1) an annual report describing the expenditures of the Fund during the preceding fiscal year; and

"(2) any unobligated funds that remain in the Fund at the end of fiscal year 1997."

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to any contract for flood insurance under the National Flood Insurance Act of 1968 issued or renewed after the date of enactment of this Act.

SEC. 5. INSURANCE RATE INCENTIVES FOR EROSION MITIGATION EFFORTS.

Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.), as amended by sections 2 and 3, is further amended by adding at the end the following new section:

"SEC. 1368. INSURANCE RATE INCENTIVES FOR EROSION MITIGATION EFFORTS.

"(a) PREFERRED EROSION MITIGATION MEASURES.—The Director shall evaluate the effectiveness of the erosion mitigation measures funded under section 1366 and shall publish a list of the most effective of such measures in the Federal Register.

"(b) RATE INCENTIVES FOR COMMUNITIES.—The Director shall provide incentives in the form of adjustments in the premium rates for flood insurance coverage in areas that the Director determines have implemented erosion mitigation measures contained in the list published pursuant to subsection (a)."

By Mr. CONRAD (for himself, Mr. BAUCUS, Mr. HARKIN, and Mr. FORD):

S. 1025. A bill to promote technology transfer to small manufacturers by providing for engineering students to work as interns with small manufacturers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SMALL MANUFACTURERS' RENEWAL TRAINING ACT

• Mr. CONRAD. Mr. President, I offer the Small Manufacturers' Renewal and Training—or SMART—Act. This bill will promote the modernization of America's small manufacturers by providing internships for senior engineering students in small companies.

BACKGROUND

Senator HOLLINGS has long been a leader in the area of technology transfer. Moreover, we now have a President who advocates the development of a coherent technology policy to enhance America's economic competitiveness. I am proud to be a cosponsor of Senator HOLLINGS' National Competitiveness Act—it will strengthen American manufacturing.

A key element of the competitiveness strategy is the Manufacturing Outreach Program—designed to bring information on the best manufacturing processes and technologies directly to small manufacturers.

SMART PROGRAM

The legislation I am introducing today, the SMART Act, will make an important contribution to the Manufacturing Outreach Program. By placing senior science and engineering stu-

dents in small manufacturing companies, the SMART internship program will serve three purposes:

First, it will expose small manufacturers to modern manufacturing technologies through personal contact with young scientists and engineers.

Undergraduate students cannot be experts in all aspects of modern manufacturing technology, but they will have access to the technical resources of their colleges and universities and the manufacturing outreach center.

Second, it will give young engineers and scientists experience in working in small companies where they will develop many of the skills necessary to become successful entrepreneurs.

Many of these young people will then seek careers with small entrepreneurial companies. Over the long term, this legislation will produce a larger community of entrepreneurs with technological expertise.

Third, it will build stronger ties between the scientists and engineers in our colleges and universities and the small manufacturing sector.

Companies will benefit by increased exposure to new technological ideas.

TECHNOLOGY AND COMPETITIVENESS

Our international competitors have had technology policies in place for years, and it shows. In technology after technology, commanding U.S. leads have evaporated and, in too many cases, we are now playing catchup.

With a basic research engine that is the envy of the world, there is no excuse for the United States to fall behind in critical commercial technologies. We have been very effective at expanding frontiers of human knowledge and understanding, but have often failed to move technologies to the market.

We need to take steps to build on our strong foundation of basic research by developing low-cost mechanisms to transfer modern and advanced technologies to the private sector. This is the key to President Clinton's technology program and the key to increasing economic growth in America.

AMERICAN INDUSTRY

Large companies like IBM and General Motors have been shrinking and splitting apart. Once the mainstay of the American economy, they are losing jobs and investing less in research and development. Small companies must take up the slack.

However, small companies face particularly difficult obstacles in adopting modern technologies. Many small firms simply cannot afford to have full time engineers and scientists on staff. As a consequence of this and other problems, many small firms have a difficult time selecting and adopting modern technologies to stay competitive. Even high technology companies often lack the expertise in efficient manufacturing processes that is essential to commercial success.

That need not be the case. In Fargo, ND, Gary Zespy runs a small manufacturing company. Last year, he wanted to improve his quality control systems. Fortunately, Gary could turn to the Institute for Business and Industrial Development at North Dakota State University which helped him develop a quality control system.

Gary Zespy is lucky because his factory is near a center at North Dakota State University. Manufacturing outreach programs including the SMART internship program can bring that luck to other firms—breaking the barriers of time and information.

By placing interns directly with small companies, the SMART program helps to overcome this knowledge barrier and multiplies the ability of manufacturing outreach centers to do their job.

RURAL AREAS

The SMART Program provides a way to help keep young scientists and engineers in rural areas, by creating opportunities for them to demonstrate their value to local, small manufacturers. It will contribute to the long-term economic revitalization of these areas.

The SMART Program is based on successful experiences in cooperative education and a pilot program at Iowa State University. Cooperative education requires a major commitment from an employer to hire a student—or, more often, two students who alternate in and out of a single position—for 2 or 3 years. This requirement poses a significant cost obstacle for many small companies.

A pilot program at the Iowa State University Extension Service's Center for Industrial Research and Service is helping to eliminate that obstacle. This program has placed a handful of engineering students each summer with small manufacturing companies across the State of Iowa. One student helped a small manufacturer design a new, more efficient popcorn machine. The president of another company described working with another student as "a win-win situation for both of us." Demand for interns has far outstripped the budget of this small program.

THE PROGRAM

The SMART Program offers a low-cost, low-risk way for small manufacturers to take advantage of the pool of talent in engineering schools. The SMART Program pays for a portion—up to the Federal minimum wage—of the intern's wages. The host company must supplement those wages and provide benefits.

Through grants from NIST, manufacturing outreach centers will recruit and select students for internships—matching their skills with the needs of small manufacturers—provide initial training and information and serve as a constant source of technical and other support to the students.

I believe that the SMART Program meets the highest standards of effi-

ciency and cost-effectiveness. The \$10 million initial funding authorization would sponsor over 3,000 interns, helping 3,000 small manufacturing companies across the country.

The SMART internship program is carefully targeted to complement, not to replace similar programs in the Small Business Administration or cooperative education programs.

CONCLUSION

Mr. President, the Small Manufacturers' Renewal and Training Act will provide a cost effective means to promote technological progress in America's small businesses. It will strengthen linkages between the manufacturing and technology communities and provide the basis for long-term economic growth and renewal. I urge my colleagues to join me in this effort.●

By Mr. PACKWOOD (for himself and Mr. HATFIELD);

S.J. Res. 97. A joint resolution to commemorate the sesquicentennial of the Oregon Trail; to the Committee on the Judiciary.

SESQUICENTENNIAL OF THE OREGON TRAIL

● Mr. PACKWOOD. Mr. President, I rise to introduce a joint resolution to commemorate the sesquicentennial of the Oregon Trail. The journeys of thousands of settlers along this trail is one of the defining moments in American history. Through the courage, perseverance, and hopes of these pioneers, the United States was able to fulfill its Manifest Destiny. In 1840, only three States existed west of the Mississippi River, and the Nations boundary was roughly the Continental Divide. Within 10 years, the country stretched from ocean to ocean.

The Oregon Trail had been used for many years by trappers, explorers, and mountain men. In 1843, the first wagon trains of pioneer families set off from Independence, MO, and traveled 2,170 miles across sage brush, plains, mountains, and rivers to the Willamette Valley in the Oregon Territory. This epic journey took them through land that is now the States of Kansas, Nebraska, Wyoming, Idaho, and Oregon. For a brief period in the early 1840's the trail curved up into Washington. Along the trail, the tracks of their wagons can still be seen where ironclad wheels cut into the sandstone roadbed.

The people who embarked on this journey had many reasons for seeking a new life. Some were fleeing the depressed economy of the Eastern States; others were attracted by free land in the West. Some settlers even needed to escape from the law. All sought a better life for themselves in the new territories of the West.

The journey was very hazardous. To preserve the strength of their animals, most of the settlers walked and allowed the oxen to pull the wagons. The pioneers suffered from fatigue, disease, and accidents. Many of the travelers

fell ill, and for a long stretch along the trail there was a grave every 80 yards.

The stories of the families who embarked on the Oregon Trail define the United States as a nation. They were willing to cast off their old lives, surmount huge obstacles, and achieve better lives in a promising new land. They were pivotal in extending our country from ocean to ocean.

The sesquicentennial of the Oregon Trail will be celebrated in many ways this year and observed in all the States through which the trail ran. A train of wagons will recreate the journey, new interpretive signs and interpretive centers are being installed along parts of the trail, and many other celebrations and events will take place. I think it is only fitting that the Senate honor this great event in American history by declaring September 4, 1993, the 150th anniversary of the day the first families reached the end of their journey, as "National Oregon Trail Day."

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S.J. RES. 97

Whereas, of all the western trails used by fur traders, gold seekers, missionaries, and emigrants, the Oregon Trail was the most important to the western settlement of this great Nation;

Whereas, in the year 1843, the first major wave of humanity left Independence, Missouri and travelled 2,170 miles in covered wagons across sagebrush, plains, mountains, and rivers to the Willamette Valley in Oregon Territory;

Whereas over 400,000 men, women, and children risked their lives in this greatest migration in American history;

Whereas this Nation was expanded from ocean to ocean, as settlement of the Old Oregon Territory forced Great Britain to relinquish this land to the United States;

Whereas the pioneering spirit of the Oregon Trail emigrants embodies the spirit of the American people;

Whereas Americans have an ever-increasing desire to understand our national heritage;

Whereas, in 1978, Congress enacted the National Trails System Act, designating the Oregon Trail as a national historic trail, in recognition of the vital role it played in our Nation's history; and

Whereas in 1993, the American people will seek to rekindle the pioneering spirit of the "Great Migration" and an official Oregon Trail sesquicentennial wagon train will journey across the Nation, arriving in Oregon City, Oregon on September 4, 1993: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 4, 1993, is hereby designated as "National Oregon Trail Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with the appropriate ceremonies and activities.●

● Mr. HATFIELD. Mr. President, 150 years ago the first of nearly a half million pioneers set off from Independ-

ence, MO, for the unknown frontier of the Oregon Territory. These settlers travelled 2,170 miles with their entire families in small covered wagons in search of the American dream. Today, I am very pleased to join my colleague from Oregon, Senator PACKWOOD, in introducing legislation establishing National Oregon Trail Day on September 4 of this year.

Honoring the Oregon Trail gives Americans, be they young or old, a chance to evaluate an extremely important period in the history of the United States. While the significance of the Great Migration to the Western States is obvious, the impact of this expansion on the lives of all Americans became equally obvious as our fledgling country fulfilled what it saw as its Manifest Destiny. Henry David Thoreau so aptly characterized this historic migration when he stated:

I must walk toward Oregon, and not toward Europe. And that way the nation is moving, and I may say that mankind progresses from east to west * * * We go eastward to realize history and study the works of art and literature. We go westward into the future, with a spirit of enterprise and adventure.

The 4½ month journey along the Oregon Trail was filled with hardships for these enterprising settlers. Storms, rivers, undrinkable water, disease, and starvation took their toll. In some years, one of every ten pioneers who set out on the trail died. Once they reached their destinations in California, Washington, Utah, New Mexico, Oregon, or any of the several other States the trail traversed, they were forced to carve out an existence in a wholly new environment. Yet these settlers persevered and created their homesteads from all that was strange. Because of these brave men and women our struggling Nation became not only one of the largest countries in the world, but also one of the richest from the wealth of natural resources that were discovered. The backbone of this Nation has always been our pioneering spirit as displayed by these intrepid travelers.

But, as we commemorate the migration that the Oregon Trail brought forth, let us also commemorate those Americans who were using the western trails long before the migration of the 19th century began. The story of the impact of westward expansion on native American lands and cultures is well known. Perhaps not as well known is the role that native Americans played in the history of the Oregon Trail as guides and as traders of salmon, vegetables, and fruit to pioneers who had run out of food and money.

Reflection upon the great events that shaped our Nation's past is crucial to better understanding the great ideals that will shape our Nation's future. Migration on the Oregon Trail proved costly to many travelers as well as to native cultures. But, the trail also em-

bodied the hopes and dreams of a generation that built this country into the great Nation it is today. The realization of these dreams will be celebrated with events this summer in the many towns that grew up along the trail in several States.

I urge citizens from all areas of the country to come travel part of the trail, to ride in an authentic wagon train, or meander on horseback in the ruts first created by iron-wheeled prairie schooners. On mountainous portions of the trail, such as in the Cascade Range in Oregon, one can still find notches high in the great fir trees, carved at ground level 150 years ago by the ropes used to pull wagons up the steep inclines. Come join in the spirit of the Old West and commemorate the sesquicentennial of the trail that shaped a nation.♦

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. BIDEN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 11, a bill to combat violence and crimes against women on the streets and in homes.

S. 52

At the request of Mr. FEINGOLD, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 52, a bill to amend the Public Health Service Act to establish a program to provide information and technical assistance and incentive grants to encourage the development of services that facilitate the return to home and community of individuals awaiting discharge from hospitals or acute care facilities who require managed long-term care, and for other purposes.

S. 98

At the request of Mr. BRADLEY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 98, a bill to establish a Link-up for Learning grant program to provide coordinated services to at-risk youth.

S. 265

At the request of Mr. SHELBY, the names of the Senator from Washington [Mr. GORTON], the Senator from Montana [Mr. BAUCUS], the Senator from Alaska [Mr. STEVENS], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 265, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

S. 373

At the request of Mr. DECONCINI, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 373, a bill to amend title 17, United States Code, to modify certain recorda-

tion and registration requirements, to establish copyright arbitration royalty panels to replace the Copyright Royalty Tribunal, and for other purposes.

S. 381

At the request of Mr. DASCHLE, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 381, a bill to amend the Internal Revenue Code of 1986 to make permanent, and to increase to 100 percent, the deduction of self-employed individuals for health insurance costs.

S. 411

At the request of Mr. HELMS, 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. 430

At the request of Mr. HELMS, his name was added as a cosponsor of S. 430, a bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes.

S. 434

At the request of Mr. BUMPERS, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers a bad debt deduction for certain partially unpaid child support payments and to require the inclusion in income of child support payments which a taxpayer does not pay, and for other purposes.

S. 449

At the request of Mr. HELMS, 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. 482

At the request of Mr. BOREN, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 482, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 483

At the request of Mr. SHELBY, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 483, a bill to provide for the minting of coins in commemoration of Americans who have been prisoners of war, and for other purposes.

S. 575

At the request of Mr. KENNEDY, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 575, a bill to amend the Occupational Safety and Health Act of 1970 to improve the provisions of such Act

with respect to the health and safety of employees, and for other purposes.

S. 732

At the request of Mr. KENNEDY, the names of the Senator from Iowa [Mr. HARKIN], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 732, a bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

S. 739

At the request of Mr. BUMPERS, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of S. 739, a bill to amend the Internal Revenue Code of 1986 to simplify the limitation on using last year's taxes to calculate an individual's estimated tax payments.

S. 806

At the request of Mr. MITCHELL, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 806, a bill to extend to the People's Republic of China renewal of nondiscriminatory (most-favored-nation) treatment provided certain conditions are met.

S. 861

At the request of Mr. BRADLEY, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 861, a bill to provide assistance to community development financial institutions, and for other purposes.

S. 862

At the request of Mr. BRADLEY, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 862, a bill to promote the development of small business in economically distressed central cities by providing for entrepreneurship training courses and Federal guarantees of loans to potential entrepreneurs, and for other purposes.

S. 863

At the request of Mr. BRADLEY, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 863, a bill to provide for the establishment of demonstration projects designed to determine the social, psychological, and economic effects of providing to individuals with limited means an opportunity to accumulate assets, and to determine the extent to which an asset-based welfare policy may be used to enable individuals with low income to achieve economic self-sufficiency.

S. 864

At the request of Mr. BRADLEY, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 864, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize a community policing grant program.

S. 865

At the request of Mr. BRADLEY, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 865, a bill to establish a Mobility for Work Demonstration Program, and for other purposes.

S. 866

At the request of Mr. BRADLEY, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 866, a bill to provide for the establishment of a neighborhood reconstruction corps program to award grants for the employment of disadvantaged workers for infrastructure repair activities, and for other purposes.

S. 895

At the request of Mr. PRYOR, the names of the Senator from Nevada [Mr. REID], the Senator from Hawaii [Mr. INOUE], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 895, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of the rehabilitation credit under the passive activity limitation and the alternative minimum tax.

S. 914

At the request of Mr. BUMPERS, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 914, a bill to amend the Internal Revenue Code of 1986 with respect to the discharge, or repayment, of student loans of students who agree to perform services in certain professions.

S. 947

At the request of Mr. PRESSLER, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 947, a bill to amend the Internal Revenue Code of 1986 to limit the tax rate for certain small businesses, and for other purposes.

S. 991

At the request of Mr. JOHNSTON, the names of the Senator from Colorado [Mr. CAMPBELL] and the Senator from Tennessee [Mr. MATHEWS] were added as cosponsors of S. 991, a bill to direct the Secretary of the Interior and the Secretary of Energy to undertake initiatives to address certain needs in the Lower Mississippi Delta Region, and for other purposes.

S. 1007

At the request of Mr. PRYOR, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 1007, a bill to recreate the common good by supporting programs that enable adults to share their experience and skills with elementary and secondary school age children.

SENATE JOINT RESOLUTION 14

At the request of Mr. THURMOND, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Pennsylvania [Mr. WOFFORD] were

added as cosponsors of Senate Joint Resolution 14, a joint resolution to designate the month of May 1993, as "National Foster Care Month."

SENATE JOINT RESOLUTION 60

At the request of Mr. BYRD, the names of the Senator from Connecticut [Mr. DODD], the Senator from North Carolina [Mr. HELMS], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 60, a joint resolution to designate the months of May 1993 and May 1994 as "National Trauma Awareness Month."

SENATE JOINT RESOLUTION 64

At the request of Mr. LEVIN, his name was added as a cosponsor of Senate Joint Resolution 64, a joint resolution to designate June 5, 1993, as "National Trails Day."

SENATE CONCURRENT RESOLUTION 16

At the request of Mr. SHELBY, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of Senate Concurrent Resolution 16, a concurrent resolution expressing the sense of Congress that equitable mental health care benefits must be included in any health care reform legislation passed by Congress.

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. LEVIN, his name was added as a cosponsor of Senate Concurrent Resolution 24, a concurrent resolution concerning the removal of Russian troops from the independent Baltic States of Estonia, Latvia, and Lithuania.

At the request of Mr. DECONCINI, the names of the Senator from Colorado [Mr. BROWN] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Concurrent Resolution 24, supra.

AMENDMENTS SUBMITTED

MANUFACTURING TECHNOLOGY AND EXTENSION ACT OF 1993, INFORMATION INFRASTRUCTURE AND TECHNOLOGY ACT OF 1992, NATIONAL COMPETITIVENESS ACT OF 1993

PRESSLER AMENDMENT NO. 369

(Ordered referred to the Committee on Commerce, Science and Technology.)

Mr. PRESSLER submitted an amendment intended to be proposed by him to the bill (S. 4) promote the industrial competitiveness and economic growth of the United States by strengthening and expanding the civilian technology programs of the Department of Commerce, amending the Stevenson-Wydler Technology Innovation Act of 1980 to enhance the development and nationwide deployment of manufacturing

technologies, and authorizing appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes, as follows:

Beginning with page 56, line 5, strike all through page 60, line 13.

On page 60, line 14, strike "324" and insert "322".

On page 78, strike lines 18 through 25.

On page 79, line 1, strike "(3)" and insert "(1)".

On page 79, line 5, strike "(4)" and insert "(2)".

On page 79, strike line 9 and all that follows through "expenses." on line 17.

At the end of the bill, add the following new title:

TITLE VII—ASSISTANCE TO SMALL CRITICAL TECHNOLOGY FIRMS

SEC. 701. ASSISTANCE TO SMALL CRITICAL TECHNOLOGY INVESTMENT COMPANIES.

(a) **CREATION OF CRITICAL TECHNOLOGY INVESTMENT COMPANIES.**—Section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 681) is amended by adding at the end the following new subsection:

"(e) **CRITICAL TECHNOLOGY INVESTMENT COMPANIES.**—

"(1) **LICENSING.**—A small business investment company, the investment policy of which is that its investments will be made for the purpose of stimulating and expanding the flow of private capital to small business concerns engaged in the research, development, demonstration, and commercialization of critical civilian technologies—

"(A) may be—

"(i) organized and chartered under applicable State business or nonprofit corporation statutes; or

"(ii) formed as a limited partnership; and

"(B) may be licensed by the Administration to operate in accordance with this title.

"(2) **COMMITMENT.**—In order to be licensed under this subsection, a critical technology investment company shall—

"(A) demonstrate to the Administration a relationship with and the ability to work in conjunction with universities, research bodies, technology transfer centers, or other organizations to assist the critical technology investment company in identifying and evaluating projects to be financed under this subsection; or

"(B) if such ability cannot be satisfactorily demonstrated, as determined by the Administrator, establish a technology advisory committee to assist in project identification, evaluation, and oversight for the company.

"(3) **VENTURE CAPITAL PARTICIPATION.**—A critical technology investment company licensed under this subsection may provide venture capital to small business concerns in such manner and under such terms as the licensee may establish in accordance with the regulations of the Administrator. Venture capital provided to small business concerns may be provided directly or in cooperation with other investors, incorporated or unincorporated, through agreements to participate on an immediate basis.

"(4) **APPLICABILITY OF ACT.**—Except as otherwise specifically provided this title shall apply to a critical technology investment company licensed under this subsection in the same manner and to the same extent as a small business investment company licensed under subsection (c).

"(5) **DEFINITIONS.**—For purposes of this subsection—

"(A) a small business is engaged in the research, development, demonstration, and

commercialization of critical civilian technologies if such small business—

"(i) is eligible for assistance under section 28 of the National Institute of Standards and Technology Act; and

"(ii) engages in such activities in relation to advanced technologies and products in the fields of automation and electronics, advanced materials, biotechnology, optical technologies, or other technologies identified by the Secretary of Commerce as critical civilian technologies; and

"(B) the term 'small business' shall have the meaning given to such term by the Administrator in regulations promulgated in connection with subsection (c)."

"(b) **PARTICIPATING SECURITIES.**—Section 303(g) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)) is amended in the first sentence by striking "section 301(c) of this Act" and inserting "subsection (c) or (e) of section 301".

"(c) **ALLOCATION OF PROFITS.**—Section 303(g)(11) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(11)) is amended by adding at the end the following new subparagraph:

"(C) Notwithstanding any other provision of this paragraph, a critical technology investment company licensed under section 301(e) which issues participating securities shall agree to allocate to the Administration a share of its profits in an amount equal to 50 percent of the profit share payable by a small business investment company licensed under section 301(c) in accordance with subparagraphs (A) and (B)."

"(d) **LEVERAGE ON DEBENTURES.**—Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 638(b)) is amended by striking "301(c) of this Act" each place such term appears and inserting "subsection (c) or (e) of section 301".

"(e) **REGULATORY AUTHORITY.**—The Small Business Administration (hereafter in this section referred to as the "Administration") shall promulgate such rules and regulations as may be necessary to carry out section 301(e) of the Small Business Investment Act of 1958 (as added by subsection (a)).

"(f) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—In addition to any sums authorized to be appropriated under section 20 of the Small Business Act, there are authorized to be appropriated to the Administration for the period encompassing fiscal years 1994 and 1995, \$105,000,000 to carry out the financing functions of the Administration in connection with the critical technology investment companies licensed under section 301(e) of the Small Business Investment Act of 1958 (as added by this subsection (a)).

(2) **AVAILABILITY.**—Amounts appropriated to the Administration in accordance with paragraph (1) shall remain available until expended.

(3) **ADMINISTRATIVE EXPENSES.**—Of the amounts appropriated under paragraph (1), not more than the greater of \$5,000,000 or 10 percent may be used by the Administration for administrative expenses in any fiscal year.

(g) **FUND.**—Amounts received by the Administration from the redemption of participating securities issued by a critical technology investment company licensed under section 301(e) of the Small Business Investment Act of 1958 (pursuant to section 303(g) of that Act) and fees paid to the United States by such a critical technology investment company shall be deposited into an account established by the Administration shall be available only to carry out such sec-

tion 301(e), to the extent provided in advance in an appropriations Act.

One page 3, in the table of contents, strike the items relating to sections 322 and 323 and redesignate the item relating to section 324 as section 322.

On page 3, at the end of the table of contents, add the following:

"TITLE VII—ASSISTANCE TO SMALL CRITICAL TECHNOLOGY FIRMS

"SEC. 701. Assistance to critical technology investment companies."

CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

WELLSTONE AMENDMENT NO. 370

Mr. WELLSTONE proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill (S. 3) entitled the "Congressional Spending Limit and Election Reform Act of 1993," as follows:

At the appropriate place insert the following:

SEC. . REDUCTION OF CONTRIBUTION LIMITS.

(a) **AMENDMENT.**—Section 315(a)(1)(A) of FECA (2 U.S.C. 441a(a)(1)(A)) is amended by striking the semicolon and inserting ", but no more than \$105 in the aggregate with respect to an election cycle in the case of a candidate for the Senate;"

(b) **EFFECTIVENESS.**—The amendment made by subsection (a) shall be in effect only when there is in effect a law that provides for significant public financing of Senate election campaigns (including payments of money, vouchers for use in connection with the purchase of the use of media for communication to the public, discounted or free use of communications media, and reduced mailing rates) for primary elections, runoff elections, and general elections.

DECONCINI AMENDMENT NO. 371

(Ordered to lie on the table.)

Mr. DECONCINI submitted an amendment intended to be proposed by him to amendment No. 366 (in the nature of a substitute) to the bill (S. 3), supra, as follows:

Amend section 801 to read as follows:

SEC. 801. EFFECTIVE DATE.

(a) **IN GENERAL.**—Except as otherwise provided in subsection (b) and in any other provision of this Act, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) **CONTRIBUTION RECEIVED PRIOR TO DATE OF ENACTMENT.**—No provision of this Act or amendment made by this Act that limits the amount of a contribution or contributions that may be made to or accepted by a candidate or political committee by or from a single person or entity or a particular type of person or entity during an election cycle shall be applied to make unlawful or require the return of a contribution that was made prior to the date of enactment of this Act.

PRESSLER (AND OTHERS) AMENDMENT NO. 372

Mr. PRESSLER (for himself, Mr. MCCONNELL, Mr. MCCAIN, and Mr. DURENBERGER) proposed an amendment

to amendment No. 366 (in the nature of a substitute) to the bill (S. 3), supra, as follows:

Strike section 102, beginning on page 37, line 6, and ending on page 43, line 15, of amendment No. 366, and insert the following:

SEC. . BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Title III of Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"SEC. 324. Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office."

(b) DEFINITION OF POLITICAL COMMITTEE.—(1) Section 301(4) of Federal Election Campaign Act (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national, State, or district committee of a political party, including any subordinate committee thereof;

"(C) any local committee of a political party which—

"(i) receives contributions aggregating in excess of \$5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditure under paragraph (8) or (9) aggregating in excess of \$5,000 during a calendar year; or

"(iii) makes contributions or expenditures aggregating in excess of \$1,000 during a calendar year; and

"(D) any committee jointly established by a principal campaign committee and any committee described in subparagraph (B) or (C) for the purpose of conducting joint fundraising activities."

(2) Section 316(b)(2) of Federal Election Campaign Act (2 U.S.C. 441(b)(2)) is amended by striking subparagraphs (B) and (C).

(c) CANDIDATE'S COMMITTEES.—(1) Section 315(a) of Federal Election Campaign Act (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder."

(2) Section 302(e)(3) of Federal Election Campaign Act (2 U.S.C. 432(e)) is amended to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee."

(d) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—For purposes of the Federal Elec-

tion Campaign Act of 1971, during any period in which the limitation under section 324 of that Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a) and (b) shall not be in effect; and

(2) it shall be unlawful for any person that—

(A) is treated as a political committee by reason of paragraph (1); and

(B) is not directly or indirectly established, administered, or supported by a connected organization which is a corporation, labor organization, or trade association,

to make contributions to any candidate or the candidate's authorized committee for any election aggregating in excess of \$1,000.

WELLSTONE AMENDMENT NO. 373

Mr. WELLSTONE proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill (S. 3), supra, as follows:

In section 502(a)(1) of the Federal Election Campaign Act of 1971, as proposed to be enacted by section 102(a) of the amendment, strike "the less of" and all that follows through "\$250,000" and insert "\$25,000".

MANUFACTURING TECHNOLOGY AND EXTENSION ACT OF 1993 INFORMATION INFRASTRUCTURE AND TECHNOLOGY ACT OF 1993 NATIONAL COMPETITIVENESS ACT OF 1993

WOFFORD (AND OTHERS) AMENDMENT NO. 374

(Ordered referred to the Committee on Commerce, Science and Technology.)

Mr. WOFFORD (for himself, Mr. KERRY, and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill, S. 4, supra, as follows:

SECTION 101. Short Title. These amendments may be cited as the "Workplace Innovation Amendments."

SEC. 102. Amendments to S. 4, the National Competitiveness Act of 1993. The bill S. 4, the National Competitiveness Act of 1993, is amended as follows:

On page 4, line 5, after "standards" insert "and employment opportunities".

On page 4, line 21, after "skills" insert "establish high-performance work organizations."

On page 5, line 7, after "business" insert "and labor".

On page 5, line 8, after "technological" insert "and skill".

On page 5, line 9, after "trends" insert "and production process trends".

On page 5, line 19, after "manufacturing" insert "adopt new methods of production."

On page 6, line 13, after "employment" insert "quality jobs".

On page 6, line 20, after "processes" insert "and advanced workplace practices".

On page 6, insert the following new subsection: "encourage cooperation among Federal departments and agencies to help firms and workers, in a coordinated fashion, to take full advantage of manufacturing technology, to improve productivity and quality, adopt high-performance work organizations, and to create quality job opportunities."

On page 7, line 18, after "art" insert "and promote high-performance high-skills systems".

On page 8, insert the following new subsection: "(2) the term 'advanced' workplace practices means innovations in work organization and performance, including high-performance workplace systems, flexible production techniques, quality programs, continuous improvement, concurrent engineering, close relations between suppliers and customers, widely diffused decision-making and work teams, and effective integration of production technology, worker skills and training, and workplace organization".

On page 9, line 20, after "Administration" insert "in cooperation with other Federal departments and agencies."

On page 10, line 4, after "companies" insert "and their workforces".

On page 10, line 11, after "technologies" insert "and advanced workplace practices".

On page 10, line 20, after "labor" insert "and, as appropriate, other Federal departments and agencies".

On page 11, line 9, insert new subsection as follows: "Since the development of new skills in the existing and entry workforce, and development of new organizational and managerial approaches, are integral parts of successfully deploying advanced manufacturing and related technologies, advanced workplace practices should be developed and deployed simultaneously and in a coordinated fashion with the development and deployment of advanced manufacturing technology."

On page 12, line 5, insert "workplace".

On page 14, line 8, after "Director" insert "and, as appropriate, in consultation with other Federal officials".

On page 15, line 10, insert new subsection as follows: "conduct research in advanced workplace practices related to and necessary for deploying advanced manufacturing technologies, increasing firms' competitiveness and creating job opportunities";

On page 15, line 23, after "industry" insert "worker organizations, the Department of Labor".

On page 16, line 2, after "technologies" insert "that help production workers to effectively learn, adopt, utilize and participate in the deployment of advanced manufacturing technologies and workforce practices";

On page 17, line 7, after "industry" insert "and worker organizations".

On page 17, line 8, after "Defense" insert "and Labor".

On page 18, line 20, after "technology" insert "and advanced workplace practices".

On page 18, line 23, delete "the private sector" and insert "business and labor".

On page 23, line 7, insert new subsection as follows: "advanced workplace practices".

On page 24, line 12, after "manufacturers" insert "and between management and labor".

On page 24 line 20, after "them" insert "including both technology and workplace practices";

On page 25, line 19, after "sector" insert "help firms assess needs regarding technology, workplace practices and training";

On page 25, insert new subsection (8) as follows: "(8) Manufacturing Outreach Centers shall help arrange for appropriate training resources, in conjunction with the implementation of advanced manufacturing technologies."

On Page 25, insert new subsection (9) as follows: "(9) Manufacturing Outreach Centers shall, when there exists at a firm a recognized collective bargaining representative for the employees, notify such recognized collective bargaining representative when it is engaged by such firm for services."±

On page 25, insert new subsection (10) as follows: "(10) Manufacturing Outreach Centers, shall, where there exists a recognized collective bargaining representative for the employees, work with such recognized employee representative in implementing advanced manufacturing technologies and advanced workplace practices, and where no recognized collective bargaining representative for the employees exists, work with employees in planning the use of and implementing advanced manufacturing technologies and advanced workplace practices."

On page 26, line 1, renumber (8) to (11).

On page 26, delete lines 7 and 8, and insert new Subsections (B), (C) and (D) as follows: "(B) evaluating the effectiveness of the Manufacturing Outreach Centers and Regional Centers for the Transfer of Manufacturing Technology, including the use of objective measures such as growth in employment, productivity, market share and sales; (C) assisting, in conjunction with other federal departments where appropriate, in the training of technology extension agents and in helping them disseminate information on best available manufacturing technologies and workplace practices; and (D) collecting and disseminating information to Manufacturing Outreach Centers and Regional Centers for the Transfer of Manufacturing Technology produced by other federal departments and agencies relating to advanced manufacturing technology and advanced workplace practices."

On page 27, line 19, delete "13" and insert "14".

On page 27, line 22, after "Defense" insert "the Secretary of Labor".

On page 30, line 4, after "and" insert "work organization".

On page 33, insert new subsection (2) as follows: "in section 25(a), by deleting 'The objectives of the Centers is to enhance productivity and technological performance in United States manufacturing through—' and by inserting 'The objectives of the Centers is to enhance productivity, improve customer service and product quality, increase international competitiveness and create quality job opportunities in United States manufacturing through—'."

On page 33, insert new subsection (3) as follows: "in section 25(a), by deleting 'and' at the end of paragraph (4) replacing the period at the end of paragraph (5) with '; and ' and by inserting immediately after paragraph (5) the following new paragraph: '(6) the active dissemination of information on advanced workplace practices and available education and training programs and the encouragement of companies to train workers in the effective use of modern and advanced manufacturing technologies.'"

On page 33, insert new subsection (4) as follows: "in subsection 25(b), by deleting 'and' at the end of paragraph (2), renumbering paragraph (3) as paragraph (4), and by adding immediately after paragraph (2) the following new paragraph: '(3) assessments of client firms' modernization needs, assistance in implementing quality processes, and where needed cooperation with training institutions to ensure that employees, particularly production workers, receive training in the most effective use of manufacturing technology and advanced workplace practices.'"

On page 33, insert new subsection (5) as follows: "in subsection 25(b), by inserting immediately after paragraph (4) the following new paragraph: '(5) when there exists at a firm a recognized collective bargaining representative for employees, notification of

such recognized collective bargaining representative when it is engaged by such firm for services.'"

On page 33, insert new subsection (6) as follows: "in subsection 25(b), by inserting immediately after paragraph (5) the following new paragraph: '(6) where there exists a recognized collective bargaining representative for employees, working with such recognized employee representative in implementing advanced manufacturing technologies and advanced workplace practices, and where no recognized collective bargaining representative for employees exists, working to involve employees in implementing advanced manufacturing technologies and advanced workplace practices.'"

On page 33, insert new subsection (7) as follows: "in subsection 25(c)(4), by inserting after 'review' the following: ', including the use of objective measures as growth in employment, productivity, market share and sales.'"

On page 33, renumber subsection (2) to (8).

On page 34, renumber subsections (3) to (9), (4) to (10).

On page 38, line 4, insert the following new subsection (d): "(d) The performance of any recipient of assistance pursuant to this section shall be reviewed by the State Technology Extension Program, which review shall include the use of objective measures such as growth in employment, productivity, market share and sales.'"

On page 43, line 10, after "technologies" insert "and advanced workplace practices".

On page 44, line 3, after "manufacturing" insert "or industrial".

On page 48, line 1, after "technologies" insert "and workplace practices".

On page 49, line 21, after "industry" insert "and American workers".

On page 50, line 11, after "countries" insert "and create domestic employment opportunities".

On page 51, insert new subsection (I) as follows: "evaluate with the cooperation of Federal Departments to determine the extent to which these efforts have resulted in increasing production capabilities in the United States and to create employment opportunities for American workers."

On page 65, insert new subsection (a) as follows: "(a) Section 2(a) of the Malcolm Baldrige National Quality Improvement Act of 1987 (15 U.S.C. 3711a note) is amended—

(1) in paragraph (7), by striking out 'and' at the end thereof;

(2) in paragraph (8)(D), by striking out the period and inserting in lieu thereof '; and' and

(3) by adding at the end thereof the following new paragraph:

'(9) improvements in quality and the enhanced competitiveness of United States business and industry are directly related to a skilled and flexible workforce and to the organization of work around high performance models.'"

On page 65, line 21 reletter "(a)" to "(b)".

On page 66, line 4 reletter "(b)" to "(c)".

On page 67, line 4 insert new subsection (d) as follows: "Section 16(d) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3711a(d)) is amended by adding at the end thereof the following new paragraph:

'(3) For purposes of this subsection, the term 'effective quality management' includes the upgrading of the skills of the workforce and the implementation of high performance forms of work organization that emphasize increased education, skills, and direct authority and autonomy of front-line

workers in order to enhance productivity and quality.'"

● Mr. KERRY. Mr. President, we face a true economic crisis in this country which is being almost completely ignored. Over the last decade, real wages have fallen in this country. And, at a time when we are all talking about how we want our country to be a country of high-skill, high-wage jobs, the proportion of high-wage jobs in the United States is actually declining. Real median family incomes are on the decline. There is too much truth to the fact that we are becoming a Nation of hamburger flippers rather than a Nation of manufacturers.

If this continues, our children's generation will be the first to find their standard of living lower than that of their parents. To take no action and permit this to happen would be unconscionable.

The crisis we face demands that we make creating jobs our No. 1 priority. Senator WOFFORD, Senator KENNEDY, and I believe that one of the best ways we can do this is to assist American companies and American workers to adopt the new manufacturing methods that their competitors abroad are using successfully to produce products in industries which pay high wages.

Companies in Europe, Japan, parts of Southeast Asia, and the United States have adopted high-performance work organizations which give authority to skilled workers to perform a wide variety of tasks and which are more flexible and produce higher quality products than under the mass production model of work organization still widely used in the United States. We are offering a bill today which will help to bring American firms and American workers into the vanguard of this workplace revolution that has taken place around the world.

A recent article in the Wall Street Journal illustrated the importance of adopting these advanced practices. A number of respected American companies, such as GE, Corning, and Federal-Mogul, attempted to improve their competitiveness in the 1980's, but they did so without confronting the fundamental way in which they organized work. As a result, in many cases their expensive despite expensive investments in machinery and in Japanese inventory management systems failed to produce any significant savings or increases in quality. The companies cited in the Journal article learned after these misguided first attempts that to achieve real improvements, they needed to involve their workers in decisionmaking and to build the manufacturing process around them.

In Massachusetts, the Foxboro Company's Pocasset plant has adopted these methods. It has been cited as one of the 10 best plants in America by Industry Week. Its success is partially attributable to its having empowered

its employees to form teams which continually push the plant to meet higher and higher standards of quality. At a time when many major corporations have given up trying to achieve profitability and quality in the production of electronic components, this plant has remained competitive because it has won the participation and commitment of every employee.

Despite the crucial importance of this issue of work reorganization, government policy fails to address it. There is still no linkage between worker training and technology programs although, as these examples illustrate, neither worker training nor technology dissemination can be effective in isolation of the other.

Senator WOFFORD, Senator KENNEDY, and I hope to begin to bridge that gap in a bill we are introducing today. This bill will create a matching grants program for universities, worker organizations and non-profit organizations to disseminate information about high-performance work organizations. Through these grants, we will encourage workers and managers to adopt advanced work organizations as they attempt to modernize. We will improve the competitiveness of our companies—which cannot compete if they do not adopt these methods—as well as the earning ability of our workers.

The bill does not offer training, but it will help to identify the benefits of training and therefore, it will encourage companies to see training as an essential capital investment. At the same time, it will educate workers about technology so that, rather than being frightened by the prospect of modernization, they will be in a position to promote true workplace modernization.

Secretary Reich and Secretary Brown have convened a labor-management commission in part to examine the changes resulting from the advent of high-performance work organizations. The grants program Senator WOFFORD, Senator KENNEDY, and I wish to create will give people on the front lines the means to experiment with these new forms of worker organizations immediately and to encourage their adoption. Given the increasingly bleak picture facing working people in America today, it is imperative that some action be taken now.

Senator WOFFORD, Senator KENNEDY, and I are today introducing an amendment to Senator HOLLINGS' bill, The National Competitiveness Act of 1993, as well. The National Competitiveness Act will disseminate information about modernization methods to small- and medium-sized companies. Our amendment will ensure that when companies are instructed about modernization practices they are also provided assistance in adopting high-performance work organizations. Public-private extension centers will work with compa-

nies to help them understand how to invest in their workers as well as in machinery so that they can increase their productivity and the number of high-wage, high-skill jobs.

The primary goal of our economic policies must be the creation of high-wage jobs. President Clinton has put forward a plan which will address the economic crisis in America. As a member of the Commerce Committee, I am very pleased to join with Senator WOFFORD of the Labor Committee to illustrate that we in Congress are willing to work together as we are willing to work with the executive branch to get the job done. I commend him for his devotion to this issue. ●

CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

MCCAIN AMENDMENT NO. 375

Mr. MCCAIN proposed an amendment to amendment No. 366 (in the nature of a substitute) to the bill (S. 3), supra, as follows:

On page 17, line 3, change (f) to (g) and insert the following:

“(f)(1) RESTRICTIONS ON USE OF CAMPAIGN FUNDS.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended at the end of the following new section:

“SEC. 324. (a) An individual who receives contributions as a candidate for Federal office—

“(1) may use such contributions only for legitimate and verifiable campaign expenses; and

“(2) may not use such contributions for any inherently personal purpose.

“(b) As used in this subsection—

“(1) the term ‘campaign expenses’ means expenses attributable solely to bona fide campaign purposes; and

“(2) the term ‘inherently personal purpose’ means a purpose that, by its nature, confers a personal benefit, and such term includes, but is not limited to, a home mortgage payment, clothing purchase, noncampaign automobile expense, country club membership, vacations or trips of a non-campaign nature, and any other inherently personal living expense as determined under the regulations mandated by paragraph (f)(2) of this subsection.”

(2) REGULATIONS.—For the purpose of subsection (f)(1), the Federal Election Commission shall, not later than 90 days after the date of enactment of subsection (f)(1), prescribe regulations to implement the subsection. Such regulations shall apply to all contributions possessed by an individual at the time of implementation of this section.”

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUE. Mr. President, I would like to announce that the Committee on Indian Affairs will be holding an oversight hearing on Thursday, May 27, 1993, beginning at 9:30 a.m., in 485 Russell Senate Office Building, on the Native American Grave Protection and Repatriation Act.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

Mr. President, I would like to announce that the Committee on Indian Affairs will be holding an oversight hearing on Thursday, May 27, 1993, beginning at 2 p.m., in 485 Russell Senate Office Building, on the President's budget request for Indian programs for fiscal year 1994 for the Indian Health Service and Indian programs within the Environmental Protection Agency.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

Mr. President, I would like to announce that the Committee on Indian Affairs will be holding a joint hearing on Tuesday, May 25, 1993, beginning at 3:30 p.m., in 328-A Russell Senate Office Building, on barriers to participation in food stamp and other nutrition programs of the Department of Agriculture by persons residing on Indian lands.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Tuesday, June 8, 1993, at 2:30 p.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from William H. White, nominee to be Deputy Secretary of Energy; Maj. Gen. Archer L. Durham (Ret.), nominee to be Assistant Secretary of Energy for Human Resources and Administration; and William J. Taylor III, nominee to be Assistant Secretary of Energy for Congressional, Intergovernmental and International Affairs.

For further information, please contact Rebecca Murphy at (202) 224-7562.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY AND THE COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry and the Committee on Indian Affairs be allowed to meet during the session of the Senate on Tuesday, May 25, 1993, at 3:30 p.m., to hold a joint hearing on barriers to participation in food stamp and other nutrition programs of the Department of Agriculture by persons residing on Indian lands.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on

Commerce, Science, and Transportation be authorized to meet on Tuesday, May 25, 1993, at 10 a.m., pending committee business.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., May 25, 1993, to receive testimony on S. 544, a bill to amend the Federal Power Act to protect consumers of multistate utility systems, and for other purposes; and to receive testimony on an amendment to S. 544 which would transfer responsibility for administering the Public Utility Holding Company Act of 1935 from the Securities and Exchange Commission to the Federal Energy Regulatory Commission.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, May 25, beginning at 9:30 a.m., to consider the nominations of:

Mr. David McLane Gardiner, nominated by the President to be the Administrator for Policy, Planning and Evaluation, U.S. Environmental Protection Agency;

Mr. Steven A. Herman, nominated by the President to be the Assistant Administrator for Enforcement, U.S. Environmental Protection Agency;

Mr. George Thomas Frampton, Jr., nominated by the President to be the Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior; and

Mr. Rodney E. Slater, nominated by the President to be the Federal Highway Administrator, U.S. Department of Transportation

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 25 at 5 p.m., to receive a closed briefing from the State Department on the administration's policy toward Bosnia.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet for a hearing on May 25, at 9:30 a.m., on the nomination of Philip Lader, to be Director for Management, OMB.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, May 25, 1993, beginning at 3:30 p.m., in 328-A Russell Senate Office Building, on barriers to participation in Food Stamp and other nutrition programs of the Department of Agriculture by persons residing on Indian lands.

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

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a hearing on the Nomination of Lee Brown to be the Director of the Office of Drug Strategy, During the session of the Senate on Tuesday, May 25, 1993, at 10:30 a.m.

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

SPECIAL COMMITTEE ON AGING

Mr. FORD. Mr. President, I ask unanimous consent that the Special Committee on Aging, be authorized to meet during the session of the Senate on Tuesday, May 5, 1993, at 9:30 a.m. to hold a hearing entitled "How Secure Is Your Retirement: Investments, Planning and Fraud."

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

SUBCOMMITTEE ON ANTITRUST, MONOPOLIES, AND BUSINESS RIGHTS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Monopolies and Business Rights, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, May 25, 1993, at 9:30 a.m., to hold a hearing on the insurance industry.

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

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, May 25, 1993, at 2:30 p.m., in open session, to consider the following pending nominations: Mr. Ashton B. Carter, to be Assistant Secretary of Defense for Nuclear Security and Counter Proliferation; Mr. Walter Slocombe, to be Deputy Under Secretary of Defense for Policy; Mr. Edward L. Warner III, to be Assistant Secretary of Defense for Strategy and Resources; Ms. Anita K. Jones, to be Director, Defense Research and Engineering; Mr. Emmett Paige, Jr., to be Assistant Secretary of Defense for Command, Control, Communications and Intelligence; Mr. Harold Smith, to be Assistant to the Secretary of Defense for Atomic Energy; Mr. Steven S. Honigman, to be General Counsel of the Navy; and Ms. Deborah Lee, to be Assistant Secretary of Defense for Re-

serve Affairs. The nominees will be present. The hearing on each nomination is contingent upon timely submission of all required paperwork.

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

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR REGULATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Regulation, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, May 25, beginning at 10 a.m., to conduct a hearing, on S. 656, the Indoor Air Quality Act of 1993 and S. 657, the Indoor Radon Abatement Reauthorization Act of 1993.

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

SUBCOMMITTEE ON FORCE REQUIREMENTS AND PERSONNEL

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Force Requirements and Personnel of the Committee on Armed Services be authorized to meet on Tuesday, May 25, 1993, at 9 a.m., in open session, to receive testimony on the personnel compensation and benefits programs of the military services associated with the Defense authorization request for fiscal year 1994 and the future years defense program.

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

SUBCOMMITTEE ON INTERNATIONAL FINANCE AND MONETARY POLICY

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on International Finance and Monetary Policy of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Tuesday, May 25, 1993, at 10 a.m., to conduct a hearing to review the Treasury Department's latest report on international economic and exchange rate policy.

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

SUBCOMMITTEE ON NUCLEAR DETERRENCE, ARMS CONTROL AND DEFENSE INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Deterrence, Arms Control and Defense Intelligence of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, May 25, 1993, in open session, to receive testimony on the civil defense budget and programs of the Federal Emergency Management Agency in review of the Defense authorization request for fiscal year 1994 and the future years defense program.

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

ADDITIONAL STATEMENTS

ROOT ELEMENTARY, A BLUE RIBBON SCHOOL

• Mr. BUMPERS. Mr. President, last week Root Elementary School in Fayetteville, AR, was honored as one of the Department of Education's Blue Ribbon Schools.

Established in 1982, the Blue Ribbon Schools Program honors elementary and secondary schools in alternate years. State education agencies, the Bureau of Indian Affairs, the Department of Defense Dependent Schools, and the Council for American Private Education nominated nearly 500 elementary schools for the 1991-92 competition.

Two hundred twenty-eight schools were selected as Blue Ribbon Schools, which was based on an evaluation of written materials from the nominated schools and reports from experienced principals and teachers who visited the schools.

The student body at Root Elementary has been engaged this year in learning more about our American system of economics by forming their own corporation and subsidiary businesses to provide a service to the community. That effort has also won a teacher work team at the school a National Award for Economic Education.

Mr. President, I want to congratulate the administrators, the teachers, the parents and students at Root Elementary on this national recognition. They are proof that our schools can and should provide the proper environment for motivating students to learn. •

RTC FUNDING—THRIFT DEPOSITOR PROTECTION ACT OF 1993

• Mr. JEFFORDS. Mr. President, once again, we found ourselves considering legislation to provide additional funds to the Resolution Trust Corporation [RTC]. This issue was the legislative equivalent of root canal work, it had to be done, but it was no fun.

The savings and loan disaster is a tale of bad judgment, bad actors, and bad luck. All of us wanted to put it behind us, yet none of us want to pay the tab. Certainly I didn't. My State does not have one failed thrift, and yet Vermonters are being asked to contribute just as much as everybody else for a problem that was not theirs. This is bitter medicine to swallow.

The legislation recently passed by the Senate provides the RTC with \$18.3 billion in funding—the amount previously appropriated but not spent by the RTC—and the Savings Association Insurance Fund [SAIF] with \$16 billion in new funding. This was the fifth time that the Senate considered funding and I hope the last one before the RTC completes its job of closing failed thrifts.

This is not small change, for my State or any other. But I think the Clinton administration was right to support this request and we would have been derelict if we did not support it. The problem will not disappear if we ignore it, it will only fester. Nor does it lend itself to a magical, perfect solution that will make me and every other Member of Congress perfectly satisfied.

The price of procrastination for the American people is staggering. For over a year, we had sat on our hands and denied the Resolution Trust Corporation the money it needs to shut down insolvent S&L's. Inaction has meant mounting losses. The net result to the American taxpayer has been approximately \$1 billion in unrecovered costs, or a daily cost of almost \$3 million.

Since the full Congress has yet to appropriate funds for the RTC, today, tomorrow, and until the day Congress does a reality check, the American taxpayers will continue to lose \$3 million every day needlessly. This is money that can't be used to close insolvent thrifts and protect insured deposits, it is pure waste.

Most Vermonters who contacted me wanted the people responsible for this mess to pay the bill. I agree wholeheartedly. This bill, like others before it, contains measures to track down and prosecute the crooks who ripped off their depositors and the Federal insurance fund that protects them.

But if we are going honest, we have to recognize that the costs of the bailout will be far beyond what we can hope to recover from pursuing individuals who broke our laws. Billions and billions in losses came not from illegal activity, but risky and legal investments, much of it in real estate deals that went sour. For many of these losses, no amount of investigation will turn up criminal activity.

We can second guess this situation forever. But one decision cannot be second-guessed, that is, the commitment we made to the thousands of depositors in the savings and loan system who were told that the full faith and credit of the United States stood behind their deposit. These people are not S&L kingpins, they are not the high fliers who made the bad deals.

But they are what the bailout is all about. Virtually every dollar that Congress has appropriated has gone to pay them the insurance money they were promised. The average account paid off by the RTC has been \$9,000. That speaks volumes about just who is being helped by the bailout.

The U.S. Government and Congress have an obligation to provide adequate funding to protect all Americans under the Federal deposit insurance system that we enacted 60 years ago. We cannot now desert these insured depositors that the American Government has given a commitment to, simply be-

cause of the concern over how the RTC operates. Congress has a duty to fulfill the obligations that we have promised to the American public.

Like everyone else, I have been horrified by the stories of waste in the RTC. The administration is not unmindful of these problems. Secretary Bentsen and RTC's Interim Chief Executive Officer [CEO] Roger Altman recently announced new measures to provide that "every penny saved through more efficient operations and more effective asset sales will reduce the ultimate cost to the taxpayer." The administration has instituted new changes that "place greater emphasis on internal controls and efficiency as opposed to speed." These new changes also provide greater access to small business, women, and minorities.

For instance, the RTC is establishing a Small Investors Program [SIP] to increase small investor opportunities. It will also elevate the Office of Minority and Women's Programs to divisional status and have its Vice President report directly to the CEO. It will prepare a comprehensive business plan and asset sales strategy, having submitted its outline for review to the General Accounting Office and Inspector General's Office. Finally, the RTC will strengthen its internal controls, appoint a Chief Financial Officer and Oversight Board Audit Committee and establish an RTC/FDIC transition task force.

Today, the RTC has 83 thrifts in its conservatorship program. There are currently 3.9 million depositors with \$74 billion under RTC control. It has been estimated by Secretary Bentsen that, over the next 5½ years, about 192 institutions will likely fail, requiring the RTC and SAIF to protect these failed thrifts depositors. These thrifts have combined assets of about \$120 billion. The funding that was requested for the RTC and SAIF will go to offset these thrifts to insured depositors, today and in the future. Over 97 percent of previously appropriated funds to the RTC were used to cover the insured deposits of Americans. Not as critics try to proclaim, to only bail out saving and loan executives and stockholders for their fraudulent practices with taxpayers' money.

Instead, much to the chagrin of these critics, the RTC has tried to assist the Justice Department in pursuing savings and loans crooks that ripped off billions of dollars from the American people. Through May 1992, the Justice Department had convicted 862 individuals, with 77 percent or 545 people receiving jail sentences. Federal courts have imposed almost \$11 million in fines due to these convictions. Some 161 directors of failed thrifts were successfully convicted of fraudulent banking practices.

Still, this was not an easy vote. The question each and every one of us

should ask ourselves is what did the American taxpayer get from this thrift bailout? They have financial security and most importantly, economic stability. The money Congress has allocated to close failed thrifts will help to protect millions of American depositors' savings. Without this protection many more bankruptcies and failures would have occurred—adding to the monstrous cost of this cleanup.

For these reasons, it was a vote that was made with America's citizens' economic future in mind. Bailing out failed S&L's should only remind us that continued delays only add to the already staggering costs of this debacle. Despite continued reservations, I supported the President's funding request, and more importantly, our obligation to depositors and the American taxpayers' interests. It was time for Congress to do the same. For we must finish the job undertaken in 1989, and fulfill the Government's commitment to protect all Americans' insured deposits.●

WILL TURNER TO REPRESENT ARKANSAS IN GEOGRAPHY BEE

● Mr. BUMPERS. Mr. President, this week some of the Nation's finest students gather to compete in the National Geographic Society's fifth annual Geography Bee.

Representing my State is 13-year-old Will Turner, a student at Ramsey Junior High in Fort Smith.

Will's love of geography came at an early age. When he was 10, he asked his parents for a world globe, although most of his playmates sought something electronic or the latest in sneakers.

Will, the son of Dr. and Mrs. Bill Turner of Fort Smith, finished first among 101 contestants in the Arkansas Geography Bee in April. He has always been interested in maps, atlases, and political science generally. After graduation, he says he would like to become a student of international studies and, ultimately, a politician.

Mr. President, I want to congratulate the champion of the Arkansas Geography Bee and wish him well this week as he competes for a \$25,000 scholarship with other State winners from all across the country.●

REGARDING PHILADELPHIA NAVAL SHIPYARD

● Mr. D'AMATO. Mr. President, a constituent of mine just provided me with a very disturbing article that appeared in the Philadelphia Naval Shipyard Beacon on April 24, 1992 entitled "Seattle Is Ours."

The story trumpets the efforts of 100 people, listed by name, that worked on the bid for the *Seattle*—100 people. Only an organization feeding off the Federal trough could afford such profligacy. By

comparison, New York Shipyard's bid involved no more than six people.

This appears to me to be a gross misuse of taxpayer dollars.

I have asked the Navy to provide me with the citations from statute and the Federal Acquisition Regulations [FAR] pertaining to bid proposals; the job descriptions of each of the individuals named in the Beacon article; an assessment of whether the participation of any of these individuals violates either statutory law or the FAR; and an explanation of the means by which Navy contracting officers level the playing field for private shipyards that lack the benefit of Uncle Sam's deep pockets when competing against public yards.

Mr. President, I ask that the Beacon article "Seattle is ours" be included in the RECORD.

The article follows:

"SEATTLE" IS OURS!

It was almost four months ago that Management Analyst Chris McGovern trekked north to Bath, Maine carrying the shipyard's bid package for work on the combat support ship USS SEATTLE.

As is always the case, a backup person and bid package were ready in case of unforeseen problems. Good fortune, however, shined on both McGovern and the shipyard as the foot-thick document not only reached its destination on time, but later turned into a three and one-half month phased maintenance availability for PNSY.

For a short time, the appearance of the SEATTLE in Philadelphia was in doubt. New York Shipbuilding, one of the three private shipyards who had bid against PNSY for the work, filed a protest which delayed the originally scheduled March 26 arrival. That protest was dismissed by the General Accounting Office paving the way for a May arrival of the SEATTLE.

In an April 13 message to all shipyard employees, Capt. J. C. Bergner said, "This decision (by GAO) officially seals our success in the bidding arena and rewards your efforts in keeping the shipyard competitive."

While it was a shipyard-wide effort that earned PNSY the low manday rate it needs to be competitive, it was the job of Shipyard Business Manager Robert Gorgone and more than 100 employees to put together the winning bid package.

As in all bid processes, the first step of the SEATTLE journey began with permission from Naval Sea Systems Command (NAVSEA) to bid on the ship, according to Gorgone.

With the NAVSEA go ahead, Gorgone set up a team from an array of departments including planning, supply, comptroller and NAVSHIPSO, to attack the complex bid package. Comprised of both technical and cost sections, the package called for detailed answers to numerous questions on work specifications and cost.

The technical section was addressed simultaneously, and the planners and estimators wheeled into action to attack the cost aspects of the bid package.

As the journey continued, weekly meetings were held to review the technical and cost evaluations. Continually revised reports tested clerical support to the fullest.

As the bid deadline approached, the pressure mounted and 10 to 12 hour workdays became the norm. Meanwhile, a RED team,

made up of the shipyard commander, department heads, group superintendents and the comptroller, joined the process to review and revise the information and approve the package. At this point, the journey was almost complete.

With the SEATTLE package assembled and all the specifications prepared, another team was formed for the all important proofreading. Because so many people contributed to the document, it was the team's primary role to make sure the information was consistent and that the final product was a first-class proposal.

It was a first-class bid package, a true "partners in excellence" effort, that Chris McGovern carried with him on his journey north to Bath.

SHIPYARD'S SEATTLE TEAM BIDS A WINNING HAND

Salvatore Accardo, Joseph Arcidicono, Frank Augustini, James Barrett, Alan Batchelder, Louis Baxter, Genevieve Beecroft, Charles Berwick, Drew Bonner, Joseph Bucci, Charles Buck, Thomas Cahill, Steven Cardillo, Joseph Chase, Darryl Chestnut, Anthony Ciaranca, John Ciurlino, Edward Collins, Bruce Conte, Daniel Crosby, Jane D'Amico, James Davis, Joseph DeGrande, Robert Delisi, Joseph DiIenno, Edward DiProspero, Thomas Donnell, Charles Dougherty, Phil Downey, Richard Drazek, Kevin Edwards, Edwin Eriksen, Gerald Fazi.

Michael Ferguson, Glen Foster, Joseph Friel, Dennis Gallagher, Nathaniel Garland, Theodore Gee, Robert Gorgone, Dominic Gwiazda, Robert Hall, Robert Helfer, Ronald Herbert, Robert Hicks, Thomas Higgins, Donald Holland, John Januszewski, Darryl Johnson, John Kasper, Peter Kerr, Robert Kitzinger, George Koefler, Robert Krzyk, Joseph Law, Antoinette Leone, MaryAnn Lochetto, Michael Loguidice, Peter Lombardo, James Lott, Francis Manzoni, Joseph Marlow, John Martino, Francis Matusik, Thomas Mcardle, Christopher McGovern.

Joseph McHugh, Gustav Mihlebach, Timothy Mitchell, William Murphy, Frank Nolan, Edward Parian, William Paul, Casimir Paulinski, Clyde Pelzer, Michael Phelan, Thomas Pierson, Kenneth Plasket, Bridget Price, Joseph Priest, Lawrence Render, John Ritchie, Mary Rucidlo, Lawrence Sabo, Albert Salvia Dominic Sambucci, Joseph Santine, James Savage, Alan Schultz, Robert Shacklock, Malcolm Simmons, Joseph Sperrazzo, James Stritch, Edmund Szymkowski, Robert Thompson, Eugene Tilbert, James Tomczak, Alan Uhnat, Arthur Vanauken, Basil Vinci, Thomas Walsh, John Ward, Michael Williams, Charles Wright, John Zelinski.●

COMMEMORATION OF THE LAUREL SPRINGS, NJ, FIRE DEPARTMENT

● Mr. BRADLEY. Mr. President, I rise to commemorate the centennial anniversary of the Laurel Springs Fire Department.

The community celebrated this impressive milestone on May 22, and I believe that 100 years of vital support and dependable protection merits wide recognition. The many events, technological advancements, and personnel changes that have occurred over the past century certainly have contributed to the rich history of the fire department, which is an integral part of

the Laurel Springs community. It is a pleasure to join the residents in admiration and appreciation as we applaud the dedication, expertise, and bravery of the Laurel Springs firefighters over the years.

I am very proud of the Laurel Springs Fire Department. It is an outstanding model of professionalism and support. I am pleased to have this opportunity to pay tribute to its longevity and to record this centennial event in the pages of the CONGRESSIONAL RECORD.●

NATIVE AMERICAN FREE EXERCISE OF RELIGION ACT OF 1993

● Mr. BAUCUS. Mr. President, today I am proud to be an original cosponsor of the Native American Free Exercise of Religion Act of 1993. This important legislation amends the Native American Religious Freedom Act of 1978 and attempts to restore fundamental religious rights to America's first citizens and provides a necessary means of enforcement.

Agents of the Federal Government must recognize that the religious rights of those who choose to practice in the sanctuary of American lands cannot be diminished any more than those who choose to practice their religion in churches or temples can. This legislation addresses an apparent pattern of troubling behavior by Federal land management agencies who too often ignore sites which are sacred to Native Americans or sanction actions which desecrate them. Although this bill has several important provisions, the protection of sacred religious sites is of particular importance to Native Americans and to me.

It is my experience that many religious sacred sites are of significant ecological and environmental importance as well. In my home State of Montana, nestled between Glacier National Park and the Bob Marshall Wilderness is a place called Badger Two Medicine Area. This magnificent area is one of a kind in the world. It is a significant sacred site for the Blackfeet and other tribes; it is a critical habitat for the grizzly bear. This area is just one of 44 threatened sacred sites around the country. It cannot be replaced. This exceptional area is an example of what this legislation seeks to protect.

The Native American Free Exercise of Religion Act of 1993 is the result of hard work by many concerned groups and individuals, but its introduction also marks the beginning of a process. As the Senate works its will on this important legislation, concerns will no doubt be raised by those who seek to develop the land and those who are charged with its management. I know these concerns will be handled in a balanced and thoughtful way as have other sensitive issues involved in this bill.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar No. 157, Calendar No. 159, and Calendar No. 183.

I further ask unanimous consent that the nominees be confirmed, en bloc; that any statements appear in the RECORD, as if read; that the motions to reconsider be laid upon the table, en bloc; that the President be immediately notified of the Senate's actions; and that the Senate return to legislative session.

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

The nominations were considered and confirmed, en bloc, as follows:

IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. Robert W. RisCass, xxx-xx-xxxx U.S. Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. James H. Johnson, Jr. xxx-xx-xxxx U.S. Army.

DEPARTMENT OF STATE

Elinor G. Constable, of the District of Columbia, a career member of the Senior Foreign Service, class of Career Minister, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, vice E.U. Curtis Bohlen, resigned.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

HARDROCK MINING REFORM ACT OF 1993

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 65, S. 775, relating to minerals on public lands; that the bill be deemed read a third time and passed; and that the motion to reconsider be laid upon the table.

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

So the bill (S. 775) was deemed read the third time and passed, as follows:

S. 775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLES.

(a) IN GENERAL.—This Act may be cited as the "Hardrock Mining Reform Act of 1993".

(b) SURFACE RESOURCES ACT OF 1955.—The Act of July 23, 1955 (69 Stat. 367, chapter 375;

30 U.S.C. 611 et seq.) is amended by adding at the end the following new section:

"SEC. 8. SHORT TITLE.

"This Act may be cited as the 'Surface Resources Act of 1955'."

(c) MATERIALS ACT OF 1947.—The Act of July 31, 1947 (61 Stat. 681, chapter 406; 30 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

"SEC. 5. SHORT TITLE.

"This Act may be cited as the 'Materials Act of 1947'."

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds and declares that—

(1) a secure and reliable supply of nonfuel minerals is essential to the industrial base of the United States, national security, and balance of trade;

(2) many of the deposits of nonfuel hard minerals that may be commercially developed are on Federal public lands, and are difficult and expensive to discover and process;

(3) the national need for nonfuel hard minerals will continue to expand and the demand for the minerals will exceed domestic sources of supply without a strong mining industry;

(4) mining of nonfuel hard minerals is an extremely high-risk, capital-intensive endeavor, which, to attract necessary investment, requires certainty and predictability in access to public lands, establishment of mining titles, and the rights of claimants to develop minerals;

(5) it is in the national interest to foster and encourage private enterprise in the development of a domestic minerals industry to maintain and create high paying jobs in the United States;

(6) mining activities on public lands should be consistent with applicable Federal land use plans and should be conducted in compliance with all applicable Federal and State environmental regulations and standards, including standards governing mined land reclamation;

(7) the diversity in terrain, climate, biological, chemical, and other physical conditions, and variation among the minerals mined and the methods of mining and processing, require that reclamation standards should be tailored to local and regional conditions; and

(8) changes in the general mining laws of the United States to provide more direct economic return to the United States and greater protection for public resources are desirable, so long as the changes do not adversely affect employment in the mining industry or in industries that provide goods and services required for mining activities, interfere with a secure and reliable supply of minerals, or adversely affect the balance of trade of the United States.

(b) PURPOSE.—It is the purpose of this Act to—

(1) provide for increased Federal revenue from the location and production of ores and nonfuel hard minerals through increased fees and royalties;

(2) provide for the payment of fair market value for the surface of any land patented under the general mining laws of the United States;

(3) ensure that all public lands affected by nonfuel minerals mining activities under the general mining laws are reclaimed, in concert with State and local reclamation authorities; and

(4) establish a program to help reclaim nonfuel, hardrock mineral abandoned mines.

SEC. 3. DEFINITIONS.

(1) **LOCATABLE MINERAL.**—The term "locatable mineral" means any mineral not subject to disposition under—

(A) the Mineral Leasing Act (30 U.S.C. 181 et seq.);

(B) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.);

(C) the Materials Act of 1947 (30 U.S.C. 601 et seq.); or

(D) the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.).

(2) **MOUTH OF THE MINE.**—The term "mouth of the mine" means the portal of an underground mine, the point of exit of ore from an open pit mine, or the wellhead of a solution mine.

(3) VALUE.

(A) **IN GENERAL.**—The term "value" means the fair market value of the ore or solutions as they emerge from the mine or well, less the direct and indirect costs of mining, including related mine exploration and development expenses, determined in accordance with generally accepted accounting principles.

(B) NO MARKET AT MOUTH OF MINE.

(1) If there is no market for ore in its raw or crude state, the term "value" means the gross income (computed in accordance with subparagraph (C)) from the mining of the ore or the production of the solutions, less the direct and indirect costs associated with the mining or production, determined in accordance with generally accepted accounting principles.

(C) **GROSS INCOME FROM THE MINING OF THE ORE OR THE PRODUCTION OF THE SOLUTIONS.**—Gross income from the mining of the ore or the production of the solutions shall be computed by multiplying—

(i) gross sales (actual or, where there are no sales, constructive) of the minerals or metals contained in the ore or solutions by a fraction whose numerator is the sum of all direct and indirect mining costs incurred to bring the ore or solutions to the mouth of the mine (excluding in-pit crushing), and whose denominator is the total of all mining and nonmining costs incurred to produce, sell, and transport the product.

(4) **SECRETARY.**—Unless the context otherwise requires, the term "Secretary" means the Secretary of the Interior.

SEC. 4. LOCATION AND MAINTENANCE REQUIREMENTS.

(a) **LOCATION FEE.**—For each claim located after date of enactment of this Act, a claimant shall pay the Secretary a location fee of \$25.00 not later than 90 days after the date of location.

(b) **ANNUAL MAINTENANCE FEE.**—Commencing the first calendar year after the date of enactment of this Act, a claimant shall pay the Secretary on or before December 31 of each year, a maintenance fee of \$100 per claim to maintain the claim for the following calendar year.

(c) INDEXING.

(1) **IN GENERAL.**—The Secretary shall adjust the fees required by this section to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor every 5 years after the date of enactment of this Act, or more frequently if the Secretary determines an adjustment to be reasonable.

(2) **NOTICE.**—The Secretary shall provide claimants notice of any adjustment made under this subsection not later than July 1 of any year in which the adjustment is made.

(3) **EFFECTIVE DATE OF ADJUSTMENT.**—A fee adjustment under this subsection shall begin to apply the calendar year following the calendar year in which it is made.

(d) **FAILURE TO PAY FEE.**—Failure to timely pay the location fee or maintenance fee required by this section for a claim shall be deemed an abandonment of the claim. The claim shall be deemed null and void by operation of law effective at noon on the date that is 30 days after the date upon which the payment was due.

(e) EXCEPTION FOR HOLDERS OF FEWER THAN 50 CLAIMS.

(1) **ELIGIBILITY.**—The claim maintenance fees required under this section shall be waived or reduced in accordance with paragraph (3) for a claimant who certifies in writing to the Secretary that on the date the payment was due the claimant—

(A) was the holder (as defined in paragraph (2)) of not more than 50 mining claims on public lands; and

(B) has performed assessment work sufficient to maintain the mining claims held by the claimant for the assessment year ending on noon of September 1 of the calendar year in which the maintenance fee payment was due.

(2) **HOLDER.**—As used in paragraph (1), the term "holder" includes—

(A) the claimant;

(B) the spouse and dependent children (as defined in section 152 of the Internal Revenue Code of 1986), of the claimant; and

(C) a person affiliated with the claimant, including—

(i) a person controlled by, controlling, or under common control with the claimant; and

(ii) a subsidiary or parent company or corporation of the claimant.

(3) WAIVED OR REDUCED MAINTENANCE FEES.

(A) **10 OR FEWER CLAIMS.**—The maintenance fee shall be waived in its entirety for 10 or fewer claims held by a claimant eligible under paragraph (1).

(B) **11 OR MORE CLAIMS.**—

(i) **IN GENERAL.**—Subject to clause (ii), the maintenance fee shall be reduced to \$25 per claim for each claim in excess of 10.

(ii) **LIMITATION.**—The reduction in this subparagraph shall be available for no more than 50 claims held by a claimant who is eligible under paragraph (1).

(g) EXISTING REQUIREMENTS.

(1) **PAYMENT IN LIEU OF ANNUAL LABOR REQUIREMENTS.**—The third sentence of 2324 of the Revised Statutes (30 U.S.C. 28) is amended by inserting after "On each claim located after the 10th day of May, 1872," the following: "that is eligible for a waiver or reduced fee under section 4(e) of the Hardrock Mining Reform Act of 1993,".

(2) **FEDERAL FILING REQUIREMENTS.**—Section 314 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744) is amended—

(A) by striking subsection (a);

(B) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively; and

(C) in subsection (b) (as so redesignated) by striking "subsections (a) and (b)" and inserting "subsection (a)".

(3) **CONFORMING AMENDMENT.**—Section 2511(e) of the Energy Policy Act of 1992 (30 U.S.C. 242(e)) is amended by striking the second sentence.

SEC. 5. ROYALTY.

(a) **IN GENERAL.**—The production and sale of locatable minerals (including associated minerals) from any mining claim located after the date of enactment of this Act shall be subject to a royalty of 2 percent of the value of the minerals measured at the mouth of the mine.

(b) **PAYMENT OF ROYALTY.**—Royalty payments shall be made not later than 45 days after the end of each calendar quarter during which the minerals are sold. The payments shall be subject to adjustment, if required, at the end of each calendar year.

(c) **AUDIT.**—The Secretary may audit the payments under this section at any time upon notice to the claimant.

(d) **ROYALTY DEDUCTION.**—The Secretary may reduce the royalties under this section whenever the Secretary determines it is necessary to promote development or whenever the claims cannot be successfully operated under the terms of this section.

(e) HARDROCK MINING ROYALTY REVIEW COMMISSION.

(1) **ESTABLISHMENT.**—There is established the Hardrock Mining Royalty Review Commission (referred to in this section as the "Commission").

(2) **MEMBERSHIP.**—The Commission shall be comprised of 9 members appointed by the Secretary who have experience in the economics of the hardrock mining industry.

(3) **CHAIRPERSON.**—The Secretary shall designate 1 member to serve as a Chairperson of the Commission.

(4) **COMPENSATION.**—Members of the Commission shall serve without compensation but shall be reimbursed for travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(5) **DUTIES OF COMMISSION.**—Not later than 18 months after the date of enactment of this section, the Commission shall review the effect of the royalty provisions under this section on the domestic hardrock mining industry and present its findings and recommendations to the Secretary and to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives. In conducting its review, the Commission shall—

(A) consider the economic effect of different royalty rates on the domestic hardrock mining industry, employment, local and regional economics, the balance of trade, national security, and strategic supplies;

(B) determine whether there are sufficient differences between various minerals or means of production to support different royalty rates for specific minerals or means of production;

(C) estimate the long-term effect of different royalty rates on competition within the industry and between domestic and foreign production; and

(D) consider the multiplier effect of different royalty rates.

(6) **POWERS OF THE COMMISSION.**—The Commission may—

(A) hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable;

(B) use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government;

(C) enter into contracts or agreements for studies and surveys with public and private organizations and transfer funds to Federal agencies to carry out such functions of the Commission as the Commission determines to be necessary; and

(D) incur such necessary expenses and exercise such other powers as are consistent

with, and reasonably required to perform, the functions of the Commission under this section.

(7) **SUPPORT.**—The Secretary shall provide such office space, furnishings, and equipment as may be required to enable the Commission to carry out this section. The Secretary shall also furnish the Commission with such staff, including clerical support, as the Commission may require.

(8) **OTHER FEDERAL AGENCIES.**—

(A) **IN GENERAL.**—Upon request of the Commission, the Secretary may request the head of any Federal department or agency—

(i) to assist the Commission in carrying out this section; and

(ii) to provide such information as the Commission requires.

(B) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any Federal Government employee may be detailed to the Commission. The detail shall be without interruption or loss of privilege, seniority, pay, or other employee status. The Commission shall reimburse the cooperating Federal agency for the detail of an employee.

(9) **FINANCIAL AND ADMINISTRATIVE SERVICES.**—The Secretary of the Interior shall provide financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) to the Commission.

(10) **APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 6. LIMITATIONS ON PATENTS.

(a) **IN GENERAL.**—After the date of enactment of this Act, a patent issued by the United States for any claim shall be subject to the requirements of subsection (b) unless the Secretary determines that—

(1) a mineral survey application has been filed with the Secretary or patent application was filed with the Secretary within six months of date of enactment of this Act; and

(2) the claimant has made a discovery of valuable minerals and has met or can meet all requirements applicable to vein, lode, or placer claims and all requirements applicable to mill site claims, as appropriate.

(b) **LIMITATIONS ON PATENTED ESTATE.**—A patent issued by the United States after the date of enactment of this Act shall be issued only—

(1) upon payment by the claimant of the fair market value for the interest in the land owned by the United States exclusive of and without regard to the mineral deposits in the land; and

(2) upon reservation by the United States of a royalty as provided in section 5.

SEC. 7. PLANS OF OPERATION AND RECLAMATION REQUIREMENTS.

(a) **IN GENERAL.**—Except as otherwise provided in this subsection, no person may engage in mineral activities on Federal land that cause more than a minimal disturbance of surface resources (as defined in subsection (b)) unless the person has filed a plan of operations with, and received approval of the plan from, the Secretary.

(b) **MINIMAL DISTURBANCE OF SURFACE RESOURCES.**—As used in this section, "minimal disturbance of surface resources" means minor, short-term alteration of surface resources. The Secretary may establish categories of activities that do not constitute minimal disturbance of surface resources.

(c) **ENVIRONMENTAL, LAND USE, AND RECLAMATION REQUIREMENTS.**—All operations conducted under a plan of operations referred to in subsection (a) shall be conducted in accordance with all applicable Federal and State environmental laws, including—

(1) the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.);

(2) the Clean Air Act (42 U.S.C. 7401 et seq.);

(3) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(4) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(5) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(6) the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.);

(7) the Federal Water Pollution Control Act (commonly referred to as the "Clean Water Act") (33 U.S.C. 1251 et seq.);

(8) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(9) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(10) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(11) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(12) title XIV of the Public Health Service Act (commonly referred to as the "Safe Drinking Water Act") (42 U.S.C. 300f et seq.);

(13) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(14) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

(15) the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 et seq.).

(c) **INSPECTION AND ENFORCEMENT.**—

(1) **INSPECTIONS.**—The Secretary shall inspect an operation conducted under a plan of operations once each calendar quarter to ensure compliance with the terms of an approved plan of operations. The Secretary may, at the discretion of the Secretary, conduct inspections more frequently than once each calendar quarter.

(2) **ENFORCEMENT.**—

(A) **IN GENERAL.**—Subject to subparagraphs (B) and (C), a claimant who fails to obtain a plan of operations required by this section, engages in unauthorized occupancy under section 9, or who fails to comply with the terms of an approved plan of operations, shall be subject to a fine of not more than \$2,000 per day per violation.

(B) **CORRECTIVE ACTION.**—A claimant shall not be assessed a fine under subparagraph (A) if the violation is corrected, or a means to correct the violation is in place, within 30 days after the date on which the claimant is notified in writing of a violation.

(C) **HEARING.**—No fine shall be assessed under this paragraph unless the claimant has been given an opportunity for a hearing on the record before the Secretary.

(d) **RECLAMATION OF LAND PATENTED AFTER ENACTMENT.**—

(1) **APPLICABLE LAW.**—Land patented after the date of enactment of this Act shall be subject to the mining reclamation laws of the State in which the land is located.

(2) **ABSENCE OF APPLICABLE STATE LAW.**—In the absence of applicable State mining reclamation laws, land patented after the date of enactment of this Act shall be subject to the Federal mining reclamation laws that would have applied had the land remained in Federal ownership.

(3) **RECITATION.**—Each patent issued after the date of enactment of this Act shall recite that as a condition of the patent, the land patented shall be subject to the requirements of this subsection.

(4) **RECLAMATION.**—Public lands disturbed by operations approved by the Secretary shall be reclaimed as required by applicable Federal and State laws concerning mined land reclamation.

SEC. 8. FINANCIAL ASSURANCES.

(a) **FINANCIAL ASSURANCES REQUIRED.**—Prior to the commencement of any operations on a claim that requires a plan of operation, a claimant shall—

(1) furnish evidence of a bond, surety, or other financial guarantee in an amount determined by the Secretary that is not less than the estimated cost to complete reclamation of the land disturbed by operations as required by this Act and other applicable mining laws; or

(2) provide evidence satisfactory to the Secretary that the area to be affected is covered by a bonding pool that will provide for reclamation of the land disturbed by operations as required by this Act and other applicable mining laws.

(b) **REVIEW.**—Not later than 5 years after an assurance is provided under subsection (a), and at least each 5 years thereafter, the Secretary shall, after consultation with representatives of the affected States, review the financial assurances.

(c) **PHASED GUARANTEES.**—The Secretary may adjust the amount of the financial guarantee provided under subsection (a) upon a determination by the Secretary that a portion of reclamation is completed as required by this Act and other applicable mining laws.

(d) **RELEASE.**—Prior to any reduction in, or final release of, a bond or other financial guarantee, the Secretary shall provide for public notice and comment.

SEC. 9. OCCUPANCY AND RESIDENCY OF CLAIMS.

(a) **PROHIBITION.**—Subject to the other provisions of this section and valid existing rights, full- or part-time residential occupancy of a mining claim, including the construction, presence, or maintenance of a temporary or permanent structure that may be used for residential occupancy purposes, shall be prohibited.

(b) **TRANSITORY OCCUPANCY.**—Residential occupancy of a claim for purposes reasonably incident to prospecting, mining, or processing that does not involve surface disturbance extending beyond the period of occupancy shall be permitted for a duration of no more than 14 days upon notice to the Secretary.

(c) **TEMPORARY OCCUPANCY.**—The Secretary may approve residential occupancy of a claim for a period in excess of 14 days as part of a plan of operations required under applicable law, if the Secretary determines that the occupancy is reasonably required to accomplish such plan. Occupancy under this subsection shall be of no greater duration or extent than is necessary to accomplish the prospecting, mining, or processing incident to the plan.

SEC. 10. MINERAL MATERIALS.

(a) **DETERMINATIONS.**—Section 3 of the Surface Resources Act of 1955 (30 U.S.C. 611) is amended—

(1) by striking "SEC. 3. No deposit" and inserting the following:

"SEC. 3 MINERAL MATERIALS.

"(a) VARIETIES OF MINERALS NOT DEEMED VALUABLE MINERAL DEPOSITS.—No deposit";

(2) in the first sentence, by striking "or cinders" and inserting "cinders, or clay"; and

(3) by adding at the end the following new subsection:

"(b) DISPOSAL.—

"(1) IN GENERAL.—Subject to valid existing rights (as defined in paragraph (2)), after the date of enactment of this section, deposits of minerals referred to in subsection (a) (except deposits of bentonite and gypsum) shall be subject to disposal under the terms and conditions of the Materials Act of 1947 (30 U.S.C. 601 et seq.).

"(2) VALID EXISTING RIGHTS DEFINED.—As used in paragraph (1), the term 'valid existing rights' means a mining claim located for a mineral material that—

"(A) has some property that gives the claim distinct and special value as described in subsection (a), including so-called 'block pumice' as described in subsection (a);

"(B) was properly located and maintained under the general mining laws on the date of enactment of this subsection;

"(C) was supported by a discovery of a valuable mineral deposit within the meaning of the general mining law on the date of enactment of this subsection; and

"(D) continues to be valid."

(b) MINERAL MATERIALS SUBJECT TO RIGHT OF THE UNITED STATES FOR DISPOSAL AND SEVERANCE.—Subsections (b) and (c) of section 4 of the Surface Resources Act of 1955 (30 U.S.C. 612) is amended by inserting "and mineral material" after "vegetative" both places it appears.

(c) CONFORMING AMENDMENT.—The first sentence of section 1 of the Materials Act of 1947 (30 U.S.C. 601) is amended by striking "common varieties of".

SEC. 11. RECEIPTS.

Two-thirds of the receipts from location and maintenance fees required by section 4, royalties required by section 5, and payments required by section 6 shall be paid into the Treasury of the United States and deposited as miscellaneous receipts. One-third of the receipts from any claim, patent, or millsite shall be paid by the Secretary of the Treasury to the treasury of the State in which such claim, patent, or millsite is located.

SEC. 12. ABANDONED HARDROCK MINE RECLAMATION PROGRAM.

(a) ESTABLISHMENT.—There is established a program to be known as the Abandoned Hardrock Mine Reclamation Program (referred to in this section as the "Program"). The Program shall be administered by the Secretary of the Interior acting through the Director of the Bureau of Land Management.

(b) DESCRIPTION OF PROGRAM.—

(1) IN GENERAL.—The Secretary is authorized to make grants to eligible States (as defined in subsection (e)) for the reclamation and restoration of land and water resources adversely affected by past hardrock mining (other than coal and fluid known minerals). The grants may be used for—

(A) the reclamation and restoration of abandoned surface mined areas;

(B) the reclamation and restoration of abandoned milling and processing areas;

(C) the sealing, filling, and grading of abandoned deep mine entries;

(D) the planting of land adversely affected by past mining to prevent erosion and sedimentation;

(E) the prevention, abatement, treatment, and control of water pollution created by abandoned mine drainage;

(F) the control of surface subsidence due to abandoned deep mines; and

(G) such other projects as may be necessary to accomplish this Act.

(2) PRIORITIES.—Expenditure of grant funds by the Secretary shall reflect the following priorities in the order stated:

(A) The protection of public health, safety, and general welfare from the adverse effects of past hardrock mining practices.

(B) The restoration of land and water resources previously degraded by the adverse effects of past minerals and mineral materials mining practices.

(c) ELIGIBLE AREAS.—

(1) ELIGIBILITY IN GENERAL.—Subject to paragraph (2), land and water eligible for rec-

lamation expenditures under this section shall be those—

(A) that were mined or processed for minerals and mineral materials or abandoned or left in an inadequate reclamation status prior to the date of enactment of this section;

(B) for which the Secretary (or State) makes a determination that there is no continuing reclamation responsibility under Federal or State laws; and

(C) for which it can be established that the land does not contain minerals that could economically be extracted through the reprocessing or reining, unless the consideration is in conflict with the priorities set forth under subparagraphs (A) and (B) of subsection (b)(2).

(2) SPECIFIC SITES AND AREAS NOT ELIGIBLE.—Areas designated for remedial action pursuant to the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 et seq.) or that have been listed for remedial action pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) shall not be eligible for expenditure under this section.

(d) ALLOCATION AND EXPENDITURES.—

(1) ALLOCATIONS.—

(A) IN GENERAL.—Funds available for expenditure by the Secretary shall be allocated on an annual basis in the form of grants to eligible States, or in the form of expenditures under subsection (d)(2), to carry out this Act.

(B) DISTRIBUTION.—The Secretary shall distribute the funds equitably to eligible States, giving due consideration to the priorities stated in subsection (b)(2).

(2) DIRECT FEDERAL EXPENDITURES.—The Secretary makes grants to States not eligible under subsection (e) based on the greatest need for the funds pursuant to the priorities stated in subsection (b)(2).

(e) STATE RECLAMATION PROGRAMS.—

(1) ELIGIBLE STATES.—For the purpose of subsection (d), the term "eligible States" are States that the Secretary determines meets each of the following requirements:

(A) Within the State there are mined lands, waters, and facilities eligible for reclamation under subsection (c).

(B) The State has developed an inventory of affected areas following the priorities established under subsection (b)(2).

(C) The State has established, and the Secretary has approved, a State abandoned minerals and mineral materials mine reclamation program for the purpose of receiving and administering grants under this section.

(2) MONITORING.—The Secretary shall monitor the expenditure of State grants to ensure that the grants are being utilized to carry out this Act.

(3) STATE PROGRAMS.—The Secretary shall approve any State abandoned minerals mine reclamation program submitted to the Secretary by a State under this section if the Secretary finds that the State has the means and necessary State legislation to implement the program and that the program complies with this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated such sums as are necessary to carry out this section.

(2) LIMITATION.—The amount annually authorized to be appropriated under this subsection shall not exceed the sums paid into the Treasury of the United States, and deposited as miscellaneous receipts, pursuant to section 11 for the fiscal year preceding the authorization.

Mr. JOHNSTON. Mr. President, reform of the mining law of 1872 has been debated now for decades. During this most recent round of debate, the Committee on Energy and Natural Resources has conducted 7 hearings and received oral testimony from over 80 witnesses since 1989.

I believe reform has been debated long enough. I think that reform should, and can, be enacted this year. All interested parties have had ample opportunity to express their views. At this point, I believe that most parties agree that some change is necessary. The question now is how much change, and what form that change will take.

I think the best place to answer that question is in conference. I have devised a strategy which I think is the best, and perhaps only, way of enacting comprehensive mining law reform. What I have proposed is to pass S. 775, introduced by Senator CRAIG, without amendment. This makes the bill, in effect, only a ticket to the conference committee, without commenting on the substance of the legislation. It is my intention that the provisions of reform be worked out, and written, in conference.

We have had two very good models for this in recent years. The Senate dealt with both the California Central Valley project water reform legislation and the Alaska Tongass timber reform bill in this manner. Most would agree that those efforts resulted in good public policy. All parties may not have gotten everything they sought, but most involved believed the process ended with reasonable legislation.

It is my belief that we can do as well with mining law reform. It is possible that, without the strategy, we would not be able to enact mining law reform. This way, Members can reach agreements that will be final agreements, and not be asked to commit to a position prematurely in order to move the process forward.

We have taken the first step down this road. The Committee on Energy and Natural Resources reported S. 775 without amendment and by voice vote on May 6, 1993. It is my hope that the Senate today will do the same.

Mr. BUMPERS. Mr. President, as everyone knows, I do not support S. 775, the Craig bill, because in my opinion it does not represent meaningful mining law reform. I have not chosen to oppose the passage of this bill today because I believe that there are no other alternatives for achieving reform except to pass the Craig bill in the Senate and proceed to conference with the House of Representatives. However, I want to take this opportunity to critique S. 775 and outline the provisions which I believe represent comprehensive reform of the 1872 mining law.

PATENTING

The 1872 mining law permits individuals and mining companies to obtain

patents to purchase public land in the West for the bargain basement price of \$2.50 or \$5 an acre. The Craig bill would modify this rate by requiring that the purchaser pay the value of the surface of the land, regardless of the value of the minerals which also would be acquired. Mr. President, I find it hard to believe that any Member of this body that owned land containing billions of dollars' worth of gold would sell that land at a price based on the value of the surface only. If none of us as individuals would enter into such a transaction, there is absolutely no justification for treating the taxpayers' land with less respect.

Moreover, Mr. President, there is no reason to continue the sale of public land under the mining law at all. In 1976 Congress enacted the Federal Lands Policy and Management Act [FLPMA] which established a public policy against the privatization of public lands. The patenting of Federal land under the mining law runs contrary to this policy and should be abolished once and for all. The maintenance of the claim location system provides a miner with sufficient security of tenure to secure adequate financing for a mining operation. Patents add nothing to this process.

ROYALTIES

Mr. President, while billions and billions of dollars worth of hardrock minerals have been extracted from public lands under the auspices of the mining law, the American taxpayer—the owner of this land—has never received one red cent in royalties. Senator CRAIG's bill would establish a royalty of 2 percent of net income based on the value of the mineral at the minemouth. The concept of a net royalty is completely unacceptable. Royalties are paid to a landowner for the right to extract minerals from his/her land. Generally, these royalties have been assessed on a gross, rather than net, value basis. In fact, the Federal Government receives a gross royalty from companies which extract oil, gas and coal from the public lands. The Government even receives a gross royalty for hardrock minerals which are extracted from Federal land not subject to the 1872 mining law. In addition, all but two States in the West that charge royalties for hardrock mining on State lands assess royalties on a gross value basis.

The mining companies have sponsored and paid for several studies designed to persuade Members of Congress that the 12.5-percent gross royalty favored by the administration and the 8-percent gross royalty provided for in S. 257 would have draconian effects on the industry. These doom and gloom analyses forecast large job losses and significant lost revenue for the Federal Government. However, the only independent analysis on the subject, performed by the Congressional Budget Office, indicates that any job loss re-

sulting from the payment of royalties could be offset as a result of the increased employment associated with the reclamation and cleanup of abandoned hardrock mines in the West. As a matter of fact, over 100 Federal employees are so engaged at this moment.

While the mining industry is crying foul at the prospects of having to pay a royalty for the extraction of minerals on public lands, mining companies find themselves able to afford handsome royalties to private landowners, railroad companies, Indian tribes, State governments and even other mining companies. The American taxpayer is apparently the only entity that does not receive any royalties. Mining law reform legislation must provide for a reasonable return for the taxpayer for it to receive my support.

RECLAMATION

Although there are no Federal statutory reclamation standards for hardrock mining operations on Federal land, the Craig bill fails to correct this situation. Rather, S. 775 provides that reclamation would be subject to already existing Federal and State environmental requirements. While certain Federal environmental statutes, such as the Clean Air Act and the Clean Water Act apply to limited situations, the fact remains that many mining-related environmental consequences do not fall within the purview of these statutes. In addition, State reclamation laws vary in coverage, leaving the environment in a perilous position. Moreover, the State of Arizona has no reclamation requirements at all. We should not be subjecting the future of the Federal lands to State statutes which vary in effectiveness.

Inadequate State reclamation requirements have left the taxpayers of the United States to pick up the tab for the reclamation of the hundreds of thousands of acres at abandoned mine sites on Federal lands. In fact, there are currently more than 70 hardrock mine sites on the Superfund national priority list. According to the Economist magazine, the cost, to the taxpayers, of cleaning up these sites will be in the billions of dollars. It is vital that mining law reform legislation contain reclamation requirements that will provide for sufficient environmental protection.

SUITABILITY

The 1872 mining law contains an implicit presumption that mineral development is the highest and best use of the public land. The Craig bill does nothing to change this condition. In contrast to all other activities on Federal lands, when mining activity is initiated on a valid claim, it becomes the dominant use of the land. Currently, the only thing a land manager can do is to seek a formal withdrawal of the lands for mining. Mining reform legislation must provide the Secretary of Interior with sufficient discretion to

treat mining on an equivalent basis with all other uses of the land.

Mr. President, if the 1992 elections had a theme it was that the American people were tired of business as usual in Washington. They are not interested in continuing to permit the privileged few to benefit while the American taxpayers remain uncompensated for mineral extraction on public lands and are left to pick up the costs of massive cleanup efforts. When Members of the House and the Senate convene to work out the final details on mining reform legislation, the American people will be watching closely to learn whether change has really prevailed or business as usual will continue.

Mr. President, I would like to engage the chairman of the Energy and Natural Resources Committee and the chairman of the Subcommittee on Mineral Resources, Development and Production in a colloquy concerning the committee's intent in reporting S. 775 to the floor and the Senate's intent in passing the bill pursuant to a unanimous-consent request.

Over the last 5 years many of my colleagues and I have attempted to enact legislation which would comprehensively reform the 1872 Mining Law. It is now almost universally acknowledged that this antiquated law which governs the exploration, extraction and development of hardrock minerals on Federal lands in the Western United States must be reformed. However, while significant progress toward the passage of meaningful mining law reform has been made in the House of Representatives, the Energy and Natural Resources Committee, the authorizing committee in the Senate, has not reported reform legislation to the Senate floor.

However, as the pressures for reform increased, the chairman of the Energy and Natural Resources Committee devised a strategy to end the stalemate and begin the process by which reform legislation hopefully will be enacted this year. Rather than continuing the acrimonious debate on the subject in committee and on the Senate floor, for yet another session of Congress, the chairman has indicated that S. 775 would act as a vehicle to permit conferees from the Senate and House of Representatives to put together a new, comprehensive, mining reform bill that would be voted on in both Chambers of Congress and hopefully enacted.

Mr. JOHNSTON. That is correct. As we have done on several occasions in the past when the committee could not reach agreement on a particular piece of legislation, the committee has chosen to use S. 775 as a vehicle to permit conferees from the House and Senate to draft a new bill that will hopefully be acceptable to those on all sides of the issue. As I have stated on numerous occasions both prior to and after the committee reported S. 775, I intend to

seek appointment, as conferees, an equal number of proponents of Senator BUMPERS' position and proponents of Senator CRAIG's position to represent the Senate in the conference. I also intend to try to bring both sides together to ensure that a reasonable bill is arrived at in the conference. In reporting the bill from committee and passing S. 775 in the Senate today, by unanimous consent, we are not taking a position one way or the other on any of the provisions in that legislation.

Mr. BUMPERS. I thank the Senator. As the chairman well knows, I believe that S. 775 is deficient in number of areas. I dare say that a majority of my colleagues in the Senate would agree. Any legislation that reforms the 1872 mining law must: First, be comprehensive in nature; second, provide for a fair return to the American taxpayers for the use of and extraction of minerals from the public lands; third, establish Federal statutory reclamation standards for hardrock mines located on public lands; fourth, provide the Secretary of Interior with sufficient authority to prohibit, limit or condition hardrock mining on Federal lands consistent with the multiple use concept; and fifth, create a fund to enable the reclamation of hardrock mines that have been abandoned. I believe that we can enact such legislation this year.

Mr. AKAKA. I share the optimism and the goals of the senior Senator from Arkansas. As chairman of the Mineral Resources, Development and Production Subcommittee, I have presided over the two most recent hearings the subcommittee has held on the subject of mining law reform. It is clear that comprehensive reform of the 1872 mining law is badly needed. I believe that the strategy of the distinguished chairman of the Energy and Natural Resources Committee will result in the final passage of legislation that will achieve this goal.

Mr. BUMPERS. I thank the chairmen of the committee and subcommittee.

Mr. CRAIG. Mr. President, as I said upon introduction of S. 775, the Hardrock Mining Reform Act of 1993, we all know the mining laws of the United States have been under attack for the past several years. The charges have ranged from "the biggest giveaway of Federal lands" to "mineral production not paying its fair share of the Federal largess." Neither of these charges is correct. This remains true today; however, we have seen an intensified push by special interest groups to attempt to make their case against mining in this country through hyperbole and untruths. I suspect as the other body moves to consider mining law reform, the level of charges against the mining law will intensify.

On April 5, 1993, several of my colleagues and I introduced the Hardrock Mining Reform Act of 1993. Today we

pass this bipartisan legislation as an honest and fair legislative answer to the numerous charges that have been leveled against the current mining law.

The production of minerals in the United States is a vital part of our economy. Everything that we do in our day-to-day lives from driving to work to turning out the lights in the evening, involves mined materials. As we move to conference with the other body, we must assure that nothing is done to destroy the mining industry in this country and the jobs that depend on that industry. To do so would not only destroy the lives of the individuals and families whose day-to-day livelihoods depend on mining, but also would adversely affect every American.

S. 775 recognizes that minerals and metals must remain available from the mines of the United States. If we are to continue to be a viable international economic power, we must appreciate the importance of natural resource production from this country's lands and act to assure their accessibility. S. 775 will allow mining to remain an option, under environmentally acceptable conditions, in this country. Legislation before the other body would not allow this option to be kept open—that must not happen.

S. 775 addresses all of the issues that have been raised relating to the mining law. It assures a secure and reliable source of minerals in the United States. It recognizes that mining activities on Federal lands should be consistent with land use plans and conducted in compliance with all Federal and State environmental laws and regulations, including those governing mined land reclamation. It recognizes that the United States should receive a fair economic return from minerals mined on the Federal lands.

The purposes of S. 775 are clear. They are:

First, provide for increased revenues from fees and royalties;

Second, provide for payment of fair market value for the surface of any land patented under the general mining laws;

Third, assure mined lands are reclaimed in concert with State and local reclamation authorities; and

Fourth, establish a hardrock reclamation program for abandoned mines.

This bill accomplishes these purposes while protecting small business and assuring that we will not drive mineral production to foreign shores. It is important to the survival of the mining industry and the communities and families dependent on the jobs created by that industry that as we move toward passage of a bill into law we stick with the tenets of S. 775.

MEASURE PLACED ON CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Judiciary Com-

mittee be discharged from further consideration of H.R. 1313, the National Cooperative Production Amendments of 1993, and that the measure then be placed on the calendar.

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

AUTHORITY FOR COMMITTEES TO REPORT

Mr. FORD. Mr. President, I ask unanimous consent that during the recess/adjournment of the Senate, committees may file reported legislative and Executive Calendar business on Thursday, June 3, 1993, from 11 a.m. to 3 p.m.

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

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:30 a.m. Wednesday, May 26; that following the prayer, the Journal of proceedings be approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the first hour of the morning business under the control of Senator PACKWOOD or his designee, with the next 45 minutes under the control of Senator DASCHLE or his designee, with the following Senators recognized thereafter for the time limits specified: Senator BAUCUS for up to 15 minutes, and Senators DORGAN and JEFFORDS for a total of 15 minutes; that at 11 a.m. the Senate resume consideration of S. 3.

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

Mr. FORD. Mr. President, I ask unanimous consent that Senator GRAMM, of Texas, be given 15 minutes during morning business under the previous unanimous-consent agreement.

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

RECESS UNTIL 8:30 TOMORROW

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:58 p.m., recessed until Wednesday, May 26, 1993, at 8:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 25, 1993:

DEPARTMENT OF STATE

ELINOR G. CONSTABLE, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERV-

ICE, CLASS OF CAREER MINISTER, TO BE ASSISTANT SECRETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. ROBERT W. RISCASSI, XXX-XX-XXXX UNITED STATES ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JAMES H. JOHNSON, JR. XXX-XX-XXXX UNITED STATES ARMY.

AUTHORITY FOR COMMITTEE TO REPORT

MR. FORD. Mr. President, I ask unanimous consent that when the Senate considers the nomination of General Riscassi, the Senate may take the opportunity to discuss the nomination of General Johnson, Jr. I believe that the Senate should have the opportunity to discuss both nominations together.

ORDERS FOR TOMORROW

MR. FORD. Mr. President, I ask unanimous consent that when the Senate considers the nomination of General Riscassi, the Senate may take the opportunity to discuss the nomination of General Johnson, Jr. I believe that the Senate should have the opportunity to discuss both nominations together.

THE PRESIDING OFFICER WITHOUT OBJECTION IT IS SO ORDERED

MR. FORD. Mr. President, I ask unanimous consent that when the Senate considers the nomination of General Riscassi, the Senate may take the opportunity to discuss the nomination of General Johnson, Jr. I believe that the Senate should have the opportunity to discuss both nominations together.

RECESS UNTIL 8:30 TOMORROW

MR. FORD. Mr. President, I believe there is no further business to come before the Senate today. I now request unanimous consent that the Senate stand in recess as previously ordered.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 25, 1993.

REPRESENTATION BY STATE

REPORTS OF COMMITTEES ON NOMINATIONS

MEMORANDUM PLACED ON CALENDAR

MR. FORD. Mr. President, I ask unanimous consent that the Judiciary Committee report on the nomination of General Riscassi.

MR. FORD. Mr. President, I ask unanimous consent that when the Senate considers the nomination of General Riscassi, the Senate may take the opportunity to discuss the nomination of General Johnson, Jr. I believe that the Senate should have the opportunity to discuss both nominations together.

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HOUSE OF REPRESENTATIVES—Tuesday, May 25, 1993

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 25, 1993.

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

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

PRAYER

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

Remind us, gracious God, of the uncertainty of life and our responsibility to be good stewards of the time and opportunities before us. May we be the people You would have us be in the days ahead and see the joyous opportunities to live lives that truly take seriously the responsibilities each has been given. May we be faithful custodians of all the blessings that have been given to us, whatever those gifts might be, and so may we use our time to serve people in their needs and seek reconciliation and peace with all. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from Alabama [Mr. EVERETT] will please come forward and lead the House in the Pledge of Allegiance.

Mr. EVERETT led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 80. Joint resolution designating May 30, 1993, through June 7, 1993, as a "Time for the National Observance of the Fiftieth Anniversary of World War II."

NEED FOR CAPITAL PUNISHMENT MARKED BY MURDER OF MICHIGAN PRISON GUARD

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

Mr. TRAFICANT. Mr. Speaker, a prison guard at a Lansing correctional facility was beaten to death by a bunch of inmates. The saga of police officers in America being killed continues to go on at a record pace, and to make it worse, we now approach a record of 25,000 murders in America this year.

Prisons are overcrowded, and taxpayers are bankrupt trying to pay for it.

Mr. Speaker, it is time to enact the death penalty for first degree murder. We have been coddling murderers too long, and we have been, in fact, denying victims any rights or protections. What do we now tell this family in Lansing, MI? That the murderer who killed your father and who had a lifetime sentence will be given another lifetime sentence?

This is unbelievable, and nobody in Washington is doing one thing about it. It is time, Mr. Speaker, to stop reading tombstones all over America and legislate and create some policy on first degree murder.

ODE TO A NEW DEMOCRAT

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

Mr. ARMEY. Mr. Speaker, this is an "Ode to a 'New Democrat'" by DICK ARMEY:

Bill Clinton was a president
Whose hair was white as snow.
And everywhere Bill Clinton went,
His hair was sure to grow!
To California he did fly
To talk of "sacrifice,"
While out there he cut his hair
And boy, did it look nice!
Christophe! boarded "Hair Force One"
And charged two hundred bucks.
See, your new taxes ain't so bad,
Just two-and-a-half haircuts!
So pony up now, middle class,
He knows for you what's good.
His degrees are from the Ivy League,
His hair, from Hollywood!
Perhaps we've learned a lesson here.

Of "new Democrats" beware.
They care less about your tax burden,
Than they do about their hair.

TAXGATE

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

Mr. EWING. Mr. Speaker, the White House has vowed never to have another week like they had last week.

Remember last week we had both Hairgate and Travelgate, two little public relations gaffes that embarrassed the administration.

Unfortunately, Mr. Speaker, the White House must prefer to have more weeks like this week. And this week we are going to have Taxgate.

Yes; this week the Democrats in the House will attempt to pass the largest tax increase in history. Taxgate will do more to harm the middle-class taxpayer than Hairgate, Travelgate, and all the other gates combined.

And after the Democrats pass this tax bill, you will see the White House claim this passage as a victory for the President. With victories like this, who needs defeats?

Mr. Speaker, we need an opportunity to stop the Clinton tax plan. Give us a vote on the Btu tax and the Social Security tax.

Let us stop Taxgate before it becomes a real scandal to the American taxpayer.

STRAIGHT TALK ABOUT TAXES AND ECONOMICS

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

Mr. WISE. Mr. Speaker, I enjoyed hearing the limerick that was just cited by the gentleman on the other side of the aisle, but I have got to be honest with you: After you hear some of their proposals for deficit reduction, it is enough to curl your hair as well. I would resort to poetry, too.

Let us talk about what this is really all about. This is about, yes, a very large deficit reduction package, of which half, 1 to 1 at least, indeed a little better, comes from spending cuts. And they are going to be tough cuts.

Let us also be honest and forthcoming and say, yes, there are tax increases in there. Sixty-five percent come upon those who make over \$200,000 a year, 70 percent come up on those who make over \$100,000, and

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

those under a certain level will not see a tax increase because of an earned income tax credit.

Finally, let us also recognize what the other side is not telling us. They are not telling us how they brought us a \$4 trillion deficit that we are having to contend with. They are not telling us about the lowest economic growth in the last 4 years since the Great Depression. They are not telling us about the lowest number of jobs created.

It is time to talk straight, Mr. Speaker.

WORKING AMERICANS CLIPPED BY THE BTU TAX

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

Mr. HASTERT. Mr. Speaker, if you were in the air last Thursday, especially if you were flying to the Los Angeles airport, you might have been delayed because Air Force One was sitting on the tarmac while our President was getting a \$200 Hollywood haircut. The rest of America was squirming, squirming about the President's Btu tax.

In my State of Illinois the tax foundation says that that very tax will cost 21,581 jobs, jobs to the middle class, to working people.

Mr. Speaker, I think maybe the American people are the ones getting clipped after all.

TIME TO ABANDON SUPPLY-SIDE ECONOMICS, PUT PEOPLE BACK TO WORK

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

Mr. GEJDENSON. Mr. Speaker, there is an interesting sleight of hand going on. It is the kind of performance that Nehru would have loved. While our economy is in deep trouble, there are some who would like to get the people in this country to look to the side someplace and not to the central issue.

The alternative that has been proposed to the President's proposal on reviving our economy would increase the burden on senior citizens and the poor, increase the burden on the middle class, and, yes, once again, a la the Reagan and Bush years, give a tax break to the oil companies and the utilities and the wealthiest in America.

The President has come forward with a proposal that is tough. It is not the 1980's. We cannot cut taxes on the rich all over again, once more, as you would like. It is time to undo the damage of supply-side economics and put Americans back to work with a program of diversification and conversion and investing in the future of this country.

Mr. Speaker, enough of this foolishness. Let us move forward with the President's proposal.

FLUSHING THE BTU TAX

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

Mr. LINDER. Mr. Speaker, while President Clinton's tax proposal may not be worth the paper it is printed on, if his tax plan is passed, that paper will be worth a good deal more.

That's because with the President's middle-class energy tax, the cost to make paper will increase considerably.

In fact, every consumer product will cost more. From grocery goods to toilet paper, the inflationary impact of the Btu tax will be devastating.

The direct costs of the energy tax per family will be \$471. The indirect costs are incalculable.

Mr. Speaker, we do not really need more taxes. The middle class pays enough. The poor pay enough. They cannot stand another hit.

We especially do not need an energy tax which will spur inflation and slow our economy.

Before Bill Clinton increases the cost of toilet paper, we should flush this tax.

We need a vote to strike the Btu tax.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

THE PRESIDENT IS WRONG

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. PRYCE of Ohio. Mr. Speaker, the line out of the Clinton White House is if you vote against the President's tax bill, you betray the President.

I disagree. I say to my Democratic colleagues you do your President a favor if you vote down his tax proposal.

The President is lost, and he is too proud to ask for directions. He is heading down the wrong road, a road which will lead to higher inflation, higher interest rates, and slower economic growth.

Defeating the President's tax bill is the best way to tell him he is going the wrong direction. How do we know that his way is the wrong way? Because it was the same route taken by Jimmy Carter in 1976.

It is no crime to tell the President that he is wrong. This is not a monarchy. It is not a dictatorship. It is a democracy. And when the President is wrong, it is the duty of every American of any political party to tell him so.

Mr. Speaker, the President is wrong. We do not need more taxes. I urge my

Democratic colleagues to send that message to President Clinton by voting against his tax bill.

THE PRESIDENT'S SUMMER JOBS PROPOSAL

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

Mr. TOWNS. Mr. Speaker, just a few days ago the Mayor of the City of New York addressed the Subcommittee on Human Resources. He came for a hearing, and indicated that in New York City he had over 100,000 young people that had signed up for summer jobs, and that he only had enough money for 30,000 summer jobs, which means that 70,000 young people will go without jobs this summer.

When we look at the package that has been put forth in terms of job programs, \$314 million, this would mean only an additional 10,000 jobs for the city of New York's young people, which means that there will be 40,000 young people with jobs and 60,000 with no jobs.

Mr. Speaker, something else that should be noted here is that this package creates 12,000 fewer summer jobs than the last year of the Bush administration.

As Mayor Dinkins stated, \$314 million for summer jobs is totally inadequate, and we must face up to this problem, and, as Spike Lee from my district said, we now must do the right thing.

TIME IS TICKING AWAY

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

Mr. BOEHNER. Mr. Speaker, this patriot pays enough: No more taxes.

Last week I came to the floor with this message from the patriots of America. Well, the Democrats haven't gotten the message yet. The minutes are ticking away till the Democrats bring up their tax bill to the floor, the largest tax increase in American history. And who will be hurt the most by the new taxes—the middle class.

I specifically recall hearing candidate Clinton on the campaign trail claiming he was going to cut taxes for the middle class. On October 19, 1992, he said "I will not raise taxes on the middle class to pay for my programs." It seems that since becoming President, Bill Clinton is experiencing memory loss. Now President Clinton is pushing a tax bill complete with an energy tax and new taxes on Social Security—taxes aimed at the middle class to pay for more spending programs.

More taxes, more spending, and a bigger government. That's what President Clinton's tax bill is all about. The min-

utes are ticking away for the middle class Americans. Prepare to open your wallets and watch your money disappear, because the Democrats' tax bill is gonna getcha.

AMERICAN PUBLIC, NATION'S JOB-LESS HOPE FOR MEANINGFUL LEGISLATION

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

Mr. MENENDEZ. Mr. Speaker, this past Sunday, the people in my home State of New Jersey had it all spelled out for them on the editorial page of the Star-Ledger, a statewide newspaper. "When you're out of a job, it's a recession. When I'm out of a job, it's a depression." With New Jersey's unemployment rate at 9.1 percent, the highest in the Nation, nothing could ring truer.

This week I am going to have to answer to real people at home, not statistics. I am going to have to tell the jobless people on the streets of Perth Amboy, Newark, Elizabeth, and Jersey City that although I have each time answered the President's call and each time made the tough choices, all we will have to show for it is a share of an anemic, skin-and-bones stimulus.

Mr. Speaker, I call upon the President to keep fighting for people who want to work but can find none. I want to implore him to keep fighting to give them a chance, and not to let their hopes die amidst Republican rhetoric on the plush seating of the Senate Chamber, where everybody already has a job. Mr. President, put forth a meaningful job package, and the American public will be with you.

AN ODE TO THE MIDDLE CLASS

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

Mr. DOOLITTLE. Mr. Speaker, "An Ode to the Middle Class":

Roses are red,
 Daffodils are flaxen
 And President Clinton
 Just keeps on taxin'
 He promised the middle class
 They'd get a break
 But now all they've got
 Is one big headache!
 Their wallets are empty
 And they find it strange
 All that's in their pockets
 Is some very small change.
 And soon these poor taxpayers
 Will have new burdens on their backs
 If President Clinton
 Gets his energy tax.
 They're taxed for the deficit
 They're taxed for the streets
 They're taxed from their heads
 Way down to their feet!
 They're taxed, some may say
 To cure all our ills—

But the truth of it is
 they're taxed to the gills!

INTRODUCTION OF LEGISLATION RESTRICTING HAZARDOUS WASTE INCINERATOR SITES

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

Mr. HOLDEN. Mr. Speaker, I rise today to highlight legislation Congressman CLINGER and I have introduced concerning hazardous waste incinerators. And, I want to thank Mr. CLINGER for his leadership and hard work on this legislation.

The issue of hazardous waste incineration is of local and national importance. Local to my constituents in Northumberland County who are faced with this problem every day—and national to us since we have the ability to set requirements for incinerators.

One mile from my district is the site of a proposed hazardous waste incinerator. This site happens to be situated across the street from Allenwood Federal Prison.

As you can guess, this situation poses a tremendous threat to the community which would be endangered by an incinerator malfunction or other catastrophe. Residents, prison guards, and prisoners would have to be evacuated, and prison officials have testified that an evacuation could not be accomplished swiftly and safely. I do not want to put the people of the Susquehanna Valley at risk.

There seems to be no rhyme or reason of how we can allow the siting of these incinerators near a prison, since a hazardous waste incinerator does not make a good neighbor to any prison.

To address this problem, Mr. Clinger and I have introduced legislation creating a 2-mile buffer zone around Federal prisons, prohibiting hazardous waste facilities from being built within this area.

This legislation is a first step in bringing some common sense to the siting of hazardous waste incinerators, since the risks are too costly for the people that live near these sites.

THE BTU TAX: HITTING THE POOR THE HARDEST

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

Mr. EVERETT. Mr. Speaker, a column in yesterday's Roll Call said it all: "Clinton's Btu Tax Would Be Hardest on Poor Families."

That is right, Mr. Speaker. Despite Bill Clinton's warmed-over class warfare rhetoric, his proposed energy tax would hit the poor harder than anybody.

According to Bob Eckhardt, a former Democratic Congressman, poorer fami-

lies pay four to five times more for energy per capita than rich and middle class families.

By increasing the costs of energy on these families, Bill Clinton's tax makes life harder for the working poor. Add in inflation, and you have a tax that will really sock it to poorer families. The working poor will feel the pain when Bill Clinton and the Democratic majority pass their energy tax.

Mr. Speaker, I hope you will give us a vote to strike the Btu tax. We must work to lift this crushing tax from every American family.

And to my Democratic friends, especially those Democratic freshmen who promised a middle class tax cut, to all my friends who are considering voting for this attack on the poor and working poor—are you willing to go back to your districts and tell them you broke your promise and voted for this mess?

□ 1210

PRESIDENT CLINTON'S COMMITMENT TO STRENGTHENING AMERICA

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

Mrs. COLLINS of Illinois. Mr. Speaker, President Clinton's deficit reduction and investment plan is the long-awaited antidote to counteract the past 12 years of Reagan-Bush trickle-down, voodoo economics—which has caused average Americans, pocketbooks to run dry while cursing opportunities to those most in need.

It is high time we break this devastating spell. America can no longer afford to simply maintain the status quo along with the inevitable inequities such a situation perpetuates.

The President's plan reverses this disastrous do-nothing trend by locking in nearly \$500 billion in deficit reduction and bringing middle-class fairness back to our Tax Code. At the same time, the President's package injects much-needed investments into important programs such as Head Start, Women, Infants, and Children, childhood immunizations, and family preservation.

Mr. Speaker, President Clinton came to office with a firm commitment to putting people first. Indeed, the President has worked diligently to keep this commitment in the face of obstinacy and cynicism. People first, not big business, not the rich, but the people who made this country great: the worker, the homemaker, the student, the senior citizen, the average people who make this country what it is today.

NIH REAUTHORIZATION

(Ms. SNOWE asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. SNOWE. Mr. Speaker, it gives me great pleasure today to rise in support of final passage of the conference report on the National Institutes of Health reauthorization.

There is no question what passage of this legislation, and its subsequent signing into law, will mean for American women:

It means there will not be any more breakthrough studies that include 22,000 men and no women.

It means that women's health will no longer be an asterisk in America's medical textbook.

It means that women will finally have answers to the questions we've been asking for the past many years that can mean the difference between life and death.

Members of the House, the consciousness of American women has been raised regarding the dearth of research on their particular health needs. And yet, as the incidents of breast and cervical cancer and osteoporosis continue to rise, more and more women are asking questions about their health out of concern and outright fear.

Mr. Speaker, the answer can no longer be, "We simply don't know." We must help to restore their dignity, and respect their desire for simple parity in the area of health research and funding.

The increased funding contained in this legislation for research on osteoporosis, breast, cervical, and ovarian cancer, contraceptives and infertility, will provide the scientific underpinnings that will give women the answers they desperately need and deserve.

Mr. Speaker, I urge the Members of the House to support passage of the NIH reauthorization today. It is the right prescription for a problem which is long overdue for a solution.

A WILLINGNESS TO PAY TAXES IF THE PURPOSE IS CLEAR

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

Mr. MAZZOLI. Mr. Speaker, it has been my experience to observe that people do not like to pay taxes. That is a truism. That is a self-statement.

Occasionally, however, if the goal for which people are requested to raise taxes is sufficiently clear and sufficiently important, people are willing, in fact, to pay taxes.

At home in Louisville, some years ago, we voted for earmarked taxes for local public transit. I understand the State of California has passed additional gasoline taxes to improve the road system and uncork the traffic jams there.

President Clinton's proposal that comes up this week, the reconciliation

plan, does have in it tax increases, but because they are targeted for deficit reduction and because they go into a trust fund for that purpose and because some type of a mechanism for either capping entitlements or for establishing an alarm bell system to monitor entitlement growth will be included, the money which is raised, along with the spending cuts which are included, will go to deficit reduction.

So I am of the opinion, Mr. Speaker, that while people do not like to pay taxes, they will do so, if the purpose is good enough and the method is correct, and that is what we have in this reconciliation bill.

THE BTU TAX

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

Mr. BACHUS of Alabama. Mr. Speaker, earlier this month, Energy Secretary Hazel O'Leary visited Birmingham, AL, and in a speech in my hometown she characterized President Clinton's Btu tax as a, and I use her quote, "pissant tax."

Now, Secretary O'Leary used this vulgar term to indicate that this tax was nominal, unimportant or insignificant. But, Mr. Speaker, this tax will take \$500 out of the pockets of the average Alabama family.

That may not seem like a lot of money to Energy Secretary Hazel O'Leary, but I can tell my colleagues that that is a lot of money to the average Alabama family. It is money that these struggling families need to pay for groceries for a month or more, to pay rent payments. When their children are sick, this is money that they need to take them to the hospital or for medical treatment.

In short, this tax is not nominal to the people in my district. Middle-class families are struggling. They need the tax relief promised by President Clinton, not more taxes. They do not have an extra \$500. To my freshman Democrats, I ask, is \$500 a nominal or insignificant tax to the families of their district?

Do the families in their district have \$500 extra? Do they need tax relief or a tax increase? Before you vote for the Btu tax, consider these questions.

Mr. Speaker, I close by saying that I ask my freshman Democrats, before they vote for this tax, are the families in their districts, do they need to pay more taxes or less taxes?

THE BIGGEST TAX INCREASE IN AMERICAN HISTORY

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

Mr. ROTH. Mr. Speaker, today the Democrats are beginning their big push

to pass Clinton's \$246 billion tax package, the largest tax in American history.

The sum of \$29 billion of the new tax will be taken from senior citizens. The senior citizens tax on Social Security benefits will be as high as 85 percent.

I have an amendment to stop the \$29 billion tax raid on our senior citizens. I ask every Congressman to help me protect Social Security from the big spenders, and my amendment will do just that.

And get this, at the same time that the Clinton administration is asking to tax Social Security, they are asking for an increase, an increase in foreign aid. I ask, isn't it time for us to take care of our own people and our own problems first for a change? Tax, tax, tax, spend, spend, spend is not the correct approach.

A senior citizen from Minocqua, WI, put it best, in my annual questionnaire, when he wrote back and said, "If it were up to Bill Clinton, he would tax the very air we breathe."

I can only add, and send the tax dollars overseas.

HAZARDOUS WASTE SAFETY ZONE LEGISLATION

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

Mr. CLINGER. Mr. Speaker, last week I introduced H.R. 2209, along with my colleague Congressman TIM HOLDEN, to address a major public safety concern. Under current law, hazardous waste incinerators can be built and operated literally next door to Federal prisons. This raises very serious health and safety issues for surrounding communities, Federal prison staff, and prisoners given the potential for a hazardous waste accident.

This bill provides a 2-mile safety zone around Federal prisons within which no hazardous waste facility could be built that could require the evacuation of prisoners or other nearby residents. The intent of this safety zone is to provide a reasonable distance so that an emergency could be handled in a safe and orderly manner.

This legislation is prompted by a situation in my own district in which a proposed incinerator now under review is located less than one-half mile from the Allenwood Prison—which will soon house approximately 3,000 prisoners and employ 700 Federal prison officials. However, I understand that this same situation may be occurring in other parts of the country.

We have all heard or read about a number of hazardous waste accidents, including releases and spills. It took more than 2 days to evacuate a Miami prison after Hurricane Andrew. Without the proper precautions in place we could be endangering thousands of

lives. I urge adoption of this legislation as a way to prevent a catastrophe from occurring before rather than after the fact.

PASS THE RECONCILIATION BILL
NOW

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

Mr. RICHARDSON. Mr. Speaker, in 2 days, we will vote on the President's reconciliation bill. Let me be clear—his plan is the plan. We must pass it in order to give our new President the same chance many of us gave President Reagan 12 years ago.

The President's plan is a fair, progressive and realistic approach to cutting the deficit and funding some very important and beneficial programs. Other plans have been floated in the other body by a so-called bipartisan group. That plan, and others like it, seek to accomplish one thing—to kill the President's plan. In so doing, they seek to protect the wealthy, to reintroduce bookkeeping smoke and mirrors by quietly shifting costs to others, and to limit the ability of Government to encourage job creation.

The President's plan will cut the deficit by \$500 billion over 5 years. It includes a \$75 billion tax incentive for investment and jobs. It includes an increase in the earned income tax credit, a program that encourages the poor to work.

Mr. Speaker, we must stand with the President and his package, it moves us in the right direction and prescribes a valid cure to our economic problems.

□ 1220

THE PRESIDENT'S PLAN MEANS A
DEFICIT INCREASE, NOT DEFICIT
REDUCTION

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

Mr. SMITH of Michigan. Mr. Speaker, sometimes the only game in town is not a good game, so we should not play it.

Mr. Speaker, I think the American people are waking up to a lot of the political rhetoric that takes place here in Washington. A lot of the news media, a lot of individuals, call this a deficit reduction plan. No such thing. For the 5 years previous, from 1988 through 1992, the public debt increased an average of \$328 billion per year, mark that down, \$328 billion per year.

After raising taxes a record of \$332 billion over the next 5 years and having so-called deficit reduction, this reconciliation bill increases the public debt an average of \$360 billion per year for the next 5 years. It is not deficit re-

duction, it is increasing taxes and increasing spending. We are increasing the Federal debt from today's \$4.2 to \$6.2 trillion 5 years from now. Government overspending robs future generations of their chances for a strong economy.

The American people are waking up to what is important—let's hope the alarm clock goes off for Congress very soon.

RECONCILIATION BILL WOULD
RESTORE FAIRNESS, CUT DEFICIT

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

Mr. DERRICK. Mr. Speaker, this week the American people will be focused on the House as we debate the jobs bill and reconciliation.

My constituents in South Carolina and the people in the rest of our country want the Congress and President Clinton to reduce the deficit, to cut Government spending and to pump life back into the economy.

The President's economic plan will produce huge spending cuts and it will inject fairness into the Tax Code.

First, the reconciliation bill slices \$496 billion from the deficit over the next 5 years.

Second, the bill freezes discretionary spending to the 1993 level in each of the next 5 years.

On the revenue side, the bill restores fairness to the tax system.

Seventy-five percent of its taxes will come from people earning \$100,000 or more annually. Under this bill, the wealthy will bear the highest tax burden.

Mr. Speaker, the reconciliation bill restores fairness and it cuts the deficit. Support President Clinton's plan.

CALIFORNIA EIGHTH GRADERS AC-
TIVE IN ISSUES-ORIENTED PRO-
GRAM, WIN COMPETITION

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

Mr. BAKER of California. Mr. Speaker, I would like to congratulate the students of Ann Hankes' eighth grade class at St. Raymonds Middle School in Dublin, CA, who won the American Youth Citizenship Competition in the 10th Congressional District.

The statewide program, sponsored by the Walt Disney Co., is an academic competition designed to inspire middle school students to take an active role in government by examining a current issue facing their community.

These young men and women worked diligently on a proposed antismoking ordinance which is one of the toughest issues facing most of our cities today.

As winners of the district competition, the St. Raymonds class will re-

ceive \$100 and will have its portfolio entered in the regional competition. The St. Raymonds portfolio will then compete against winning schools from six other congressional districts. The winning school at each of 10 regional competitions will receive \$250 and an expense-paid trip to Disneyland to compete in the State finals on June 2-4, 1993.

Once again, Mr. Speaker, I would like to congratulate the students at St. Raymonds and wish them the best of luck in the regional competitions.

PRESIDENT CLINTON'S NAY-
SAYERS ARE WITHOUT A PLAN

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

Mr. SCHUMER. Mr. Speaker, we have a line here of naysayers, and they are all pointing holes in the President's plan. Anyone on this side of the aisle could do the same. Every one of us can point holes, but put up or shut up. Where is a plan that can pass?

A man from my party, the Senator from Oklahoma, came up with a plan. It is estimated it will get 20 votes in the Senate and 100 votes in the House. It is very easy to say no.

Mr. Speaker, we have spent 12 years saying no to everything as our country gradually slides down the drain. But the President, and we may disagree with specific parts, has had the courage to start putting this country in order and making us face the tough realities. We are going to try to do that here in the House as history is finally made.

Mr. Speaker, this morning the President told us at the White House he is going to fight for his plan. Go get 'em, Mr. President. Don't let parochial "what's in it for me" obstructionists fool the American people to protect energy producers. Your job is to do the right thing for the whole economy and the whole country. If you make that fight, an awful lot of people sick of gridlock will be at your side.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair will remind Members that they should address the Chair, and not address the President directly.

A HAIL OF FAILURE

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

Mr. HEFLEY. Mr. Speaker, the early days of the Clinton administration have been marked by failure. The American people are closely looking at his failed economic plan. Everywhere I

go people are saying, "Cut spending first," but Clinton fails to get it. He instead pursues failed old-time liberal spending policies. He is having trouble convincing his own party of the worth of his failing new tax program.

The people fail to sympathize with a failing President who fails to replace those failed taxes with spending cuts. Meanwhile, Bill Clinton is failing to keep his promises for middle-class tax relief. He is failing to stop illegal immigrants. He is failing to revive the economy. He is failing to keep his promise to cut White House staff, and failing to earn the people's confidence.

With all of this failure, what a shame it would be if the successes of the Clinton administration were built around new taxes, new spending, and more deficit. I ask my colleagues on both sides of the aisle to help us this week to keep the President from failure in his new tax program, and vote against this tax program.

GIVE THE PRESIDENT'S PROPOSALS A CHANCE TO SUCCEED

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

Mr. REYNOLDS. Mr. Speaker, I rise today to remind the American people of what happened over the last 12 years. From 1980 until now our deficit went from \$60 billion a year to \$330 billion a year under the Republicans, not under Bill Clinton, under the Republican administration. Now they want us to make sure that the President fails this week.

This is about the failure of Bill Clinton. That is all this is about. My Republican colleagues are not debating this on the substance. They want to embarrass this President, the President that you voted for, the President that you sent to office, and the President that you support. Give him a chance. Just like the Democrats gave Ronald Reagan a chance, give Bill Clinton a chance.

NATIONAL MISSING CHILDREN'S DAY

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

Mr. RAMSTAD. Mr. Speaker, today is National Missing Children's Day.

I will never forget a young boy from St. Joseph, MN, Jacob Wetterling, who was abducted 3½ years ago.

The Department of Justice reports there are over 114,000 such stranger abductions each year.

How can we tolerate this widespread, horrifying threat to our children?

Mr. Speaker, 22 States, including my own State of Minnesota, have enacted sex offender registration laws. These

laws are needed because these offenders repeat their crimes again and again. The typical child sex offender molests 117 children.

H.R. 324, the Jacob Wetterling bill, would create a national system of registration. This bill would require child sex offenders and abductors to register their addresses with police for 10 years after release from prison.

I urge all Members to join the 50 cosponsors from both sides of the aisle to pass a comprehensive crime bill which includes the Jacob Wetterling bill.

The children of America deserve nothing less.

EMPTY SLOGANS CANNOT DEFEAT A SERIOUS DEFICIT REDUCTION PLAN

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

Mr. LEVIN. Mr. Speaker, the reconciliation bill will pass. It will pass because it is a serious effort at deficit reduction, which we so badly need. The response, unfortunately, on the other side of the aisle has been slogans. I looked again at its proposals on the budget. It had within its \$119 billion in unspecified cuts, unspecified. It was an empty proposal.

It will also pass the House because we are not going to be hostage to the Senate. There is a bad mistake that the media, I am afraid, has not caught onto, and that is that no one person in the Senate can hold up the bill. If the Finance Committee in the Senate does not pass out a bill, the Senate Budget Committee under its rules can do so.

We in the House should do the right thing. I am confident in the end so will the Senate. The people will support a serious effort at deficit reduction, rather than the slogans that have been used to attack it.

□ 1240

WHITE HOUSE ACADEMY AWARDS NOMINEES

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

Mr. WELDON. Mr. Speaker, President Clinton's White House is off to a fast start in the race for next year's Academy Awards. A President so enamored of Hollywood has created a star-studded cast and crew right here in the Nation's Capital. The nominees are:

Best director: Harry Thomason for his own "Indecent Proposal"—an effort to can the travel office staff and have his own company take over the work instead.

Best actor: George Stephanopolous, who every day is forced to utter half-

truths, deceptions, and falsehoods all with a look of utmost sincerity.

Best choreographer: Dee Dee Myers, who dances around the truth at least twice a day.

Best actress: Catherine Cornelius, the President's 25-year-old cousin, who orchestrated the firing of the White House travel office and her own ascension to the top job.

Best supporting actor: William Kennedy, the White House counsel and Hillary's old law partner, who got the FBI to do the White House dirty work.

Best supporting actress: Janet Reno, who while not even realizing she was in a supporting role, was so out of the loop that she really made the lead players shine.

Best makeup: Christophe of Beverly Hills, the Presidential hair advisor, who charges \$200 per haircut, yet sticks the airlines with a \$76,000 bill.

Best new disaster movie: Hairport '93', a public relations fiasco for the White House.

Best song: "Don't stop thinking about tomorrow," Mr. President, because the first 5 months have been a disaster.

Best producers: Bill and Hillary, who so graciously allow these not-ready-for-prime-time performers to use the White House as their stage.

MILITARY BAN ON HOMOSEXUALS NOT A MATTER FOR COMPROMISE

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

Mr. BUNNING. Mr. Speaker, we have been hearing a lot recently about a magic, compromise solution for the controversy about the President's promise to lift the ban on homosexuals in the military.

This so-called, don't ask, don't listen, compromise reminds me of those three monkeys with their eyes, ears and mouths covered with their hands so that they will "hear no evil, see no evil, and speak no evil".

There is no way to compromise this particular issue, folks. Homosexuals should not be in the military because it is bad for morale and efficiency. Our military leaders are virtually unanimous on that point.

Forcing our military leaders to cover their eyes and ears and mouths is not going to make the problem go away and it definitely is not going to make it work.

The ban should stay in place. Homosexuals do not belong in the military.

When something is wrong, pretending it isn't there, doesn't make it right.

CLINTON HAIRCUT SYMBOLIZES EXTRAVAGANCE, LACK OF CONCERN

(Mr. GRAMS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, for years, the symbol of Government waste has been \$700 hammers at the Pentagon. Well, now there is a new symbol: the Clinton haircut.

Now, it is one thing that the President spent \$200 of his own money on his hair. That may seem extravagant to most of us, but if that is the way he wants to spend his own money, that is his business.

What is more disturbing is that the Clinton haircut is estimated to have cost the airline industry \$76,000 in delayed flights. That is equal to the wages of three average working Americans.

While some dismissed the President's new "do" by saying he has "gone Hollywood," the more serious truth is that the Clinton haircut symbolizes the root problems of the Clinton economic policy.

First, it shows a passion for extravagant spending, the same kind of extravagance that sunk the President's stimulus bill.

Second, it shows that the President has little concern for the impact of his actions on the private sector. It is the same lack of concern we are seeing in the energy tax, striker replacement, and other job-killing measures.

And finally, it shows that the President has either no idea or no concern for what his policies will really cost. That is an alarming thought when you consider that the Clinton administration is about to engage in a hostile takeover of the insurance, student loan, and health care industries.

Mr. Speaker, it is time for the President to get off his throne, kick out the hairdressers, and get back in touch with reality. The American people cannot afford a government of \$76,000 haircuts.

CONGRESSIONAL ACTION NEEDED TO SOLVE NEGOTIATED RATES CRISIS, FREE UP INVESTMENT CAPITAL

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

Mr. SHUSTER. Mr. Speaker, several weeks ago, both Houses of Congress spent a great deal of time and energy debating President Clinton's economic stimulus package. We talked about the need for such legislation, the timing of it and whether or not it would truly help the economy. As you well know, Republicans and Democrats did not agree on the answers to many of these questions.

However, there is an action that we can take which would free up \$32 billion in working capital where it would do the most good: in the checking accounts of hundreds of thousands of

American firms. That doubles the amount of the legislation we just debated.

That means that we do not have to wait for slow government stimulus programs to move through the economy; that is a process that can take months and often years. In the past, we have seen that Federal stimulus funds arrive too late, jolting the economy long after the need for adrenaline was gone.

Presently, companies of all sizes, in every region of the Nation, are setting aside money to pay for legal costs and possible claims from irresponsible law suits brought by bankrupt trucking companies. The trustees for these failed firms are suing hundreds of thousands of companies, trying to gouge money by using a legal loophole.

It is time that the Congress took action and solved the negotiated rates crisis once and for all. We cannot allow unscrupulous trustees, lawyers and collection agencies to continue their multibillion dollar racket when their actions are clearly against the national interest.

It is time for the Congress to act, both for the sake of American industry and our economy.

THE BEAT OF A DIFFERENT DRUMMER: THE AMERICAN TAXPAYER

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

Ms. DUNN. Mr. Speaker, I rise to urge my colleagues across the aisle to march to the beat of a different drummer: the beat of the American taxpayer.

President Clinton is lobbying my Democratic colleagues to march with him to pass the largest tax increase in history.

But, Mr. Speaker, my friends on the other side of the aisle do not have to follow the President over the cliff. They don't have to be lemmings. They can see for themselves that more taxes are not what this country needs.

The political megaphone from the White House has increased in volume, but if you listen closely, you can hear the beat of the taxpayer's drums, and that beat is saying: Don't raise my taxes. Cut spending first, before you even whisper the word "taxes".

We can cut spending first, while not raising taxes. But first we need a rule that will allow amendments to strike the Btu tax and the Social Security tax. Mr. Speaker, I urge my colleagues to vote against a closed rule that precludes these amendments, to march to the beat of a different drummer, the beat of the American taxpayer.

□ 1250

THINK CAREFULLY ABOUT RAISING TAXES

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

Mr. WALSH. Mr. Speaker, later this week we will have a vote on the largest tax increase in our history. I urge my colleagues on the other side of the aisle to think about that vote very carefully.

Back in 1990 we were given the same reasons for supporting a huge tax increase that "Congress will commit to reduce spending if only we support the tax increase." Well, the taxes went up, and the deficit went up, and it keeps going up.

I do not know about your constituents, how they feel about more taxes, but my constituents, believe me, pay enough, and they are right. They already pay more taxes now at the local, State, and Federal levels than they have ever paid, and President Clinton wants the American taxpayer to pay more.

Think carefully about your vote this week on the rule and on reconciliation. History is a wonderful teacher. We need only go back 2 years to see what will happen if we pass this record increase. The economy will stay in the tank, the deficit will grow, and those who vote for the tax will be out looking for a new job.

IN HONOR OF FATHER AIDEN FOYNES

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

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Father Aiden Foynes, a man of tremendous dedication and love whose achievements will live on in the hearts of those who benefited from his counsel and his friendship for many years.

After 18 years as pastor of Our Lady of Queen of Peace Church in New Port Richey, FL, Father Foynes will be moving soon, bringing his talents and love to the congregation at St. Cecelia's in Clearwater. All of us who know Father Foynes thank him for his tremendous contribution to the growth of Our Lady of Queen of Peace and look forward to witnessing the power of his leadership at St. Cecelia's.

Mr. Speaker, the story of Father Foynes illustrates what one person with a fierce commitment can achieve in this world.

Born one of eight children to Michael and Ellen Foynes, in Butlersbridge, County Cavan, Ireland, Father Foynes was ordained on June 4, 1961. Immediately after ordination, he came to Florida at the request of Archbishop

Joseph P. Hurley and served as associate pastor at St. Cecelia's. From there, he was assigned to Cardinal Mooney High School in Sarasota from 1963-68, serving also at the Church of the Incarnation. In that period of his life, Father Foynes studied during summers and obtained his master of arts degree in religious education.

Serving as an associate pastor at Our Lady of Lourdes Church in Dundee from 1968-69, Father Foynes then moved on to become the pastor of Espiritu Santo Church in Safety Harbor and also served as principal-president of Clearwater Central Catholic High School until the summer of 1975, when he became pastor of Our Lady Queen of Peace.

Under Father Foynes' direction, major changes took place at the church, beginning with the building of the parish center, which opened in 1980. In 1988, Father Foynes dedicated the fine new priest's residence across the street from the church. A fitting tribute to Father Foynes and the membership of Our Lady Queen of Peace was that the residence was debt-free on its opening day.

Those achievements were followed up with a residence for Sisters bordering the north parking lot and a three-bay garage and workshop to accommodate maintenance equipment and to provide work space for the Rosary Alter Society.

But Father Foynes' biggest challenge and achievement was the planning and supervision of the expansion of the church itself. Father Foynes insisted on retaining as much of the old as possible, seeking to build on the proud history of the church. The original stained glass windows, made in 1920, were retained, serving as stations of the cross. The alter table, tabernacle and lectern, all carried over from the old church were clad in rich carrara marble to match the sanctuary which is now 11 feet longer than the old building was wide! All in all, the seating configuration was improved to achieve eye-to-eye contact between every parishioner and the celebrant and both the lighting and acoustics were vastly improved.

Mr. Speaker, if we only celebrated the building record of Father Foynes, we would be reciting achievements for a long time. But even more important about Father Foynes is the impact he has had on the lives of the people he has touched.

A dedicated priest for 25 years, Father Foynes is not really leaving Our Lady Queen of Peace, he is spreading his love for people and his commitment to the future just a little farther. And as we celebrate with the parishioners of Our Lady Queen of Peace the tremendous achievements of Father Foynes there, we anticipate anxiously the great deeds to come in his next phase of his dedication.

IT'S OBVIOUS, OR IS IT?

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

Mr. GOSS. Mr. Speaker, the American people think the solution to our budget woes is obvious: Cut spending first. We spend more than we have, so we should be spending less. That is the way most American families approach their own budgets. Only in Washington could something so simple become so complex. In Washington we have important people telling us it is better to raise \$27 billion in new taxes from hard working American citizens than it is to cancel \$27 billion worth of services for illegal aliens. We are told it is better to raise more than \$18 billion from senior citizens than it is to make a modest, 3 percent cut in overhead costs for bloated Federal agencies; and they say it is better to raise another \$5.2 billion in taxes from middle America than it is to cut pork barrel highway demonstration projects. The list is endless. For every new dollar the President wants to raise from energy taxes and higher Social Security taxes, there is a dollar we could cut in wasteful or low-priority spending. Only in Washington does something so obvious become so confused, and so expensive for taxpayers.

U.N. CODDLING DICTATORS IN CHINA, MFN STATUS DEBATED IN UNITED STATES

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

Mr. SMITH of New Jersey. Mr. Speaker, today Chinese human rights activist Shen Tong is holding a press conference in New York City to detail the Beijing regime's ongoing violations of human rights. In a shameful capitulation to the hardliners in Beijing, U.N. Secretary-General Boutros Boutros-Ghali barred Shen Tong from using the U.N. press club to brief reporters.

It is imperative that the world community take a strong stand against the kind of repression that is so rampant in China. The United States, as the leader of the free world, must make it clear that we will not employ a minimalist policy toward the Beijing regime. Such a policy would certainly be tantamount to coddling dictators.

Sadly, silent for months, the Clinton administration seems poised to announce such a minimalist policy with regard to China's most-favored-nation [MFN] trade status. The administration's consultation with Congress has been negligible on this vital human rights issue. If the President goes the route of a loophole-ridden Executive order, he will short circuit the opportunity for Congress to make it clear to the Beijing regime that substantive improvements in human rights are ab-

solutely necessary if China's preferential trade treatment is to be continued.

Mr. Speaker, much more is at stake here than another broken campaign promise. The women of China need to know that we will not turn a blind eye as they are forcibly aborted and sterilized. Religious believers must know that we will not stand by as they are beaten and killed for exercising their beliefs. China's brutal dictators also need to know that we will not tolerate the imprisonment, torture, and harassment of those who advocate democratic principles; nor will we tolerate the gross abuses inherent in Gulag labor, nor will we tolerate continuing violations of nuclear non-proliferation agreements.

Mr. President, I urge you to work with the Congress so that, together, we can send an unequivocal message to China's leaders that business as usual is not good enough anymore. Respect for fundamental human rights is a prerequisite for future favorable treatment from the United States.

ACT RESPONSIBLY TO REDUCE THE DEFICIT

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

Mr. SANTORUM. Mr. Speaker, we are here this week to debate the Clinton tax package and the deficit-reduction package.

I wanted to make sure that all of us here kept our eye on the ball of what was really at stake, and that is the future of this country and the deficit that we are faced with.

A group of fifth-graders at Ben Franklin Elementary School in what used to be my district reminded me of that point yesterday when they presented to me a check for \$240.35, money they raised at a bake sale and a car wash to reduce the national debt. They expressed their concern about the Federal deficit and what it will do to their lives, to their future, to their opportunities for them and their children.

I hope that the message is now sent clear that we have to act responsibly here in this Congress and in this city to reduce this deficit.

ENVIRONMENTAL ILLNESS FROM DESERT STORM

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

Mr. STEARNS. Mr. Speaker, we have a growing problem when our military forces that served in Desert Storm have been discharged or released from active duty with a standard medical clearance. This medical clearance precludes the possibility that some

undiagnosed disease which later becomes chronic or fatal can be classed as service connected. There is growing evidence of multichemical sensitivity in certain individuals that increases the risk of serious complications from exposure to chemicals and other environmental elements. Within my district, a young man, Michael Adcock, an outstanding high school athlete—football player and State recordholder in weightlifting—volunteered for duty in Operation Desert Storm. During his tour of duty, he was exposed to a chemical agent resistant coating which was the apparent cause of all of his subsequent medical problems. On April 23, 1992, Michael succumbed to cancer—11 months after his return from Desert Storm.

Mr. Speaker, we must find a way to better screen our young people for possible service-connected diseases—either at the time of discharge or in a continuing program of followup examinations after discharge.

INTRODUCTION OF THE BUDGET PROCESS REFORM ACT

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

Mr. COX. Mr. Speaker, over the last 30 years this Congress has run up a public debt of over \$4 trillion, and now this week in our reconciliation bill we will pass so much new spending that we will add \$1.2 trillion to the national debt. That is what the Clinton plan calls for, despite the largest tax increase in American history.

This ever-increasing public debt is the inevitable result of a badly broken congressional budget process that virtually guarantees financial chaos. That is why the gentleman from Texas [Mr. STENHOLM], the gentleman from Minnesota [Mr. PENNY], and 125 of our colleagues have joined with me in introducing a bipartisan Budget Process Reform Act. The first tenet of this bill is that the budget itself should be a binding law, not the nonbinding concurrent resolution, that is virtually meaningless, that we presently use.

We end the practice of budget waivers, that notorious abuse under which in the last Congress over half of all spending bills waived the Budget Act in its entirety.

Every American who wants to restore fiscal sanity, who supports the principle that government should budget first and spend later, should support the Budget Process Reform Act.

Mr. Speaker, tomorrow I will explain how the Budget Process Reform Act will control entitlement spending.

THE PRESIDENT'S PLAN CUTS SPENDING

(Mr. KOPETSKI asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. KOPETSKI. Mr. Speaker, there has been a lot of rhetoric on the floor today about what the President's tax plan does and does not do.

Mr. Speaker, I think it is time for some facts. The fact is that there are over 200 specific spending cuts in the tax package that include about 300 billion dollars' worth of spending cuts. There is a hard freeze on discretionary spending in the budget for a 5-year period, and, yes, there are tax increases. Just as the President promised while he was campaigning, he is going to tax millionaires in this country, and those folks on the other side of the aisle are opposed to taxing millionaires to help reduce the deficit. They are also opposed to raising the corporate tax on the 2,700 largest businesses in America from the current rate of 34 percent to 35 percent to help reduce the deficit.

The President's plan is about deficit reduction. They do not talk about that. They do not talk about how high the deficit would be if we do not pass the President's plan.

If they vote against the President's plan, what they are doing is voting against deficit reduction. This is the vote to do it. They are going to have to explain why they are opposed to deficit reduction.

CONFERENCE REPORT ON S. 1, NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT OF 1993

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 179 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 179

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 1) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

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

House Resolution 179 is the rule providing for the consideration of S. 1, the conference report on the National Institutes of Health Revitalization Act of 1993.

The rule waives all points of order against the conference report and against its consideration.

Mr. Speaker, the conference report on S. 1, the bill for which the Rules Committee has recommended this rule, is an important and long-overdue authorization of the National Institutes of Health, particularly the National Cancer Institute, the National Heart, Lung and Blood Institute, and the National Institute of Aging.

Most importantly, the bill includes requirements to ensure that women and minorities are included in NIH-sponsored clinical research. To implement this policy of equity in health research, the conference report statutorily establishes the Office of Research on Women's Health. It begins to fill major gaps in women's health research through earmarks for research on breast and ovarian cancers and on osteoporosis.

S. 1 also statutorily authorizes the Office of AIDS Research to draw up and coordinate a comprehensive plan for AIDS research activities. Under the bill, the Office will direct how best to spend an emergency discretionary fund to focus efforts on the most promising AIDS research.

Mr. Speaker, I commend Chairman DINGELL and Chairman WAXMAN for bringing back from conference this vital legislation that will safeguard the health of all Americans.

I ask my colleagues to support the rule so that we may deal with consideration of this important conference report.

Mr. GOSS. Mr. Speaker, I thank the gentleman from New York for yielding this time.

Mr. Speaker, the question was raised during the Committee on Rules' consideration of this rule as to why we are in such a rush to complete this legislation, the NIH Revitalization Act of 1993. We have just heard the gentleman from New York give us some of the important reasons and benefits that will flow from this legislation. And I think they have validity.

But I have to say that the rule did not really need to be granted just a few short hours after the lengthy conference report came back. There is a good deal in it, and it needed some opportunity to be considered, I think, more deliberatively than it was.

Nevertheless, we did ask that question exactly in the Rules Committee, "Why are we rushing this thing so?"

Frankly, the answer came back. It was very blunt, and it is a matter of record in the Rules Committee, and it is somewhat dismaying. The answer is, "We are doing this in such a hurry so that we will have something to talk about when we go home for the Memorial Day recess at the end of the week."

Well, I do not think that is a terrifically good explanation for rushing an important piece of legislation.

Taking this argument to its next logical step, I wonder if there may be some concern among the leadership

that perhaps the constituents are not going to be particularly too happy about the massive new tax increase that we are also going to be talking about this week and which we may in fact vote on later this week.

So, perhaps this is being regarded as the "good news" bill that we are going to take home to deflect attention and criticism of what is actually going on.

Once again, this House appears to be punching an artificial and very political timeclock, which has the effect of denying Members the greatest possible opportunity to review and consider legislation before they vote.

Again, I say there is much in this legislation which is very critical.

Mr. Speaker, the rule before us today was made necessary because of several technical considerations in this conference report. Such arcane and vague terms to the American public as "germaneness" and "scope" come into play here because this conference report contains a wide variety of measures, on a host of very different subjects, including some provisions that were the result of compromise between the House and the Senate. The Rules Committee was asked to issue a rule that waives points of order against this conference report—to ensure that the bill passes through the House without further delay. I certainly wish to commend those House conferees for negotiating very hard and prevailed on one issue that I think is of great importance, and that is an issue that is contained in this bill that deals with the question of HIV. This is a matter we had a lot of debate about, a lot of discussion, a lot of correspondence from my State, from many Americans across the Nation.

The conference report includes a provision to list HIV infection as a communicable disease. As my colleagues may very well remember, this was a topic of very great concern several months ago when the Clinton administration signaled its intent to lift the ban on HIV immigration to allow hundreds, potentially thousands of HIV-positive individuals to immigrate into the United States, which clearly would result in an incredibly difficult burden on an already strapped national health care system, not to mention an extraordinary cost involved which nobody has been able to calculate.

While I am grateful for the immigration language in the bill, I very much remain opposed to the effort to nullify the existing ban on using Federal funds for the controversial fetal tissue issue research question, using fetal tissue research from aborted babies seems to me to send a very mixed message about health care. I am very concerned that this change in policy will lead to more abortions. Whether it is intended or not, I am afraid that will be a consequence. I am afraid also that this provision will direct resources away

from other promising research programs. Alzheimer's has been mentioned often in this context.

To think that the only hope, the only answer for Alzheimer's victims, which is a terrible disease and one which we see the impact of, the tragedy of, the suffering of in my district quite often, to say that there is no other hope than fetal tissue research seems to me to be missing many opportunities and many bets that we hope the research medical community will be looking into and encourage them to.

□ 1310

There is also a significant concern about the changes this measure seeks to make in the way national AIDS research is conducted—this again is very topical these days—changes that are going to increase the bureaucracy and siphon desperately needed funds away from research and into red tape, and Lord knows there is nobody who wants more red tape and everybody wants more research on AIDS. I am afraid we have convoluted the process in this rule and in this bill in such a way that we now are going to have more red tape and less research.

The rule for this conference report is designed to make sure that the bill moves through this House as is, without getting tripped up by any technicalities. Even though I have got to point out that these technicalities were of such great concern that the members of the Rules Committee on the majority side when we first took this matter up, those technicalities were not to cause the majority vote in the Rules Committee not to allow us discussion on a number of amendments, not to make them in order for debate, even though now they come back to us after we have gone through the conferee process.

It is a less than perfect result we have got here today in this rule, and I am disappointed that the process could not be used to bring us to a better conclusion.

This Member, for one, will not be headed home next week to boast about what a wonderful thing we have done here in greasing the wheels to pass this bill. This Member will tell his constituents that Congress has again provided less than the best for this Nation.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Speaker, I rise in support of the rule and of the bill.

Mr. Speaker and colleagues, we are not on the floor today with this important legislation in order to have something to talk about at home. We are on the floor today with this bill because it is a critical bill that helps people in every corner of our country.

As a conferee, I can attest to the hard work we have done on a biparti-

san basis with respect to this bill. For example, research into women's health care is now coming out of the dark ages and this legislation accelerates that progress.

This legislation also promotes biomedical research, particularly cancer research, research into the science of aging and into the problems of heart disease.

So Mr. Speaker, I would ask my colleagues on both sides of the aisle to look at this bill carefully. It is not on the floor today in order to have something to talk about at home. It is on the floor today because this is a bill that will help people all across our country, and it is a bill that is needed not.

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

I have no other requests for time at this point, but before I yield back the balance of my time I would just like to respond to the gentleman from Oregon.

I was not making an observation about this question that has been raised about why we are rushing this bill. I was merely informing those interested in this rule in the process that we achieved it that when we asked the question in the Rule Committee about why we were rushing this bill through, the answer came back from those involved in the testimony process that perhaps it will give us something good to talk about when we go home, or words to that effect.

So this is not something that has been created by the minority side of the aisle as an obstacle or a deflection or hyperbole or excuse or anything else. This was a question that was asked in good faith as to why are we rushing into this, such an important piece of legislation and has so many implications for so many people, and that was the answer we got back.

Perhaps somebody might want to say it was facetious, but if the gentleman from Oregon is interested in pursuing it further, I would refer him to the records in the Rules Committee on this matter.

I do not believe even though we have talked about things as important as fetal tissue research and AIDS and how we are going to treat that and the immigration policy and how we deal with some of these health care issues that are so critically important for women, even though these things are in the bill, and I do not think this bill has had all the attention it needs, I am not going to call for a vote on this because I believe we should get on with the discussion of the bill.

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

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. WAXMAN. Mr. Speaker, I call up the conference report on the Senate bill (S. 1) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes.

The Clerk read the title of the Senate bill.

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

(For conference report and statement, see proceedings of the House of May 20, 1993 page H 2620.)

The SPEAKER, pro tempore. The gentleman from California [Mr. WAXMAN] will be recognized for 30 minutes, and the gentleman from Virginia [Mr. BLILEY] will be recognized for 30 minutes.

The Chair now recognizes the gentleman from California [Mr. WAXMAN].

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on the conference report on S. 1, the Senate bill now under consideration.

The Speaker pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I am pleased to announce that House and Senate conferees have resolved their differences on S. 1, the National Institutes of Health Revitalization Act of 1993. With one notable exception which I will comment upon shortly, the conference report reflects legislative initiatives in which the House can take great pride.

Passage of the conference report today represents a major advance in maintaining America's leadership and international preeminence in biomedical research. The conference agreement is a comprehensive measure which addresses policy, financial and organizational issues of growing concern to the public and scientific community.

I am pleased to report that the conference agreement enjoys the strong support of President Bill Clinton and Health and Human Services Secretary Donna Shalala.

Mr. Speaker, the conference agreement codifies President's Clinton's decision to lift the Bush administration's ban on fetal tissue transplantation research. Until President Clinton issued his Executive order, the ban had stopped promising research on the treatment of Parkinson's disease, juvenile diabetes, spinal cord injuries, and Alzheimer's disease. It had also stopped research on techniques to correct genetic defects—defects for which there

is now no cure or treatment—even before a baby is born.

S. 1 strikes down this ban and establishes strong safeguards for the conduct of this research to protect against potential abuse. I am pleased to report that Secretary Shalala has assured the committee of the administration's commitment to fully explore the enormous scientific potential that fetal tissue research represents. I submit a copy of the Secretary's letter on this subject to be printed in the RECORD at this point.

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, May 25, 1993.

HON. HENRY A. WAXMAN,
Chairman, Energy and Commerce Subcommittee
on Health and the Environment, House of
Representatives, Washington, DC.

DEAR MR. CHAIRMAN: During final consideration of the reauthorization bill for the National Institutes of Health a question was raised about our plans to fund human fetal tissue transplantation research. The purpose of this letter is to share with you the Department's commitment to this important field of inquiry.

As you know, on January 22, 1993, President Clinton issued a directive ending the five-year moratorium on Federal funding for therapeutic transplantation research that uses human fetal tissue derived from induced abortion. The lifting of the moratorium means that Federal funding of this research is now possible and that the decisions of the National Institutes of Health (NIH) regarding funding will be based on scientific merit and the relevance of the research proposals to the advancement of the health missions of the NIH.

Following the lifting of the moratorium, I asked the Acting Assistant Secretary for Health, Dr. Audrey Manley, to request that NIH develop interim guidelines based on the recommendations of the 1988 Human Fetal Tissue Transplantation Research Panel. NIH was further asked to develop a proposed plan for the advancement of this research.

NIH has published the interim guidelines for use by the scientific community. In addition, NIH has prepared plans for therapeutic fetal tissue transplantation research and has already received a number of research applications that are undergoing scientific review. Fetal tissue transplantation research is an important line of inquiry in the advancement of the mission of a number of Institutes, Centers, and Divisions of the NIH and the NIH's plans reflect the value of both clinical and non-clinical fetal tissue transplantation research.

I assure you that human fetal tissue transplantation research is a high priority of the Department of Health and Human Services and that we intend to fund scientifically meritorious research efforts beginning in late fiscal year 1993 or fiscal year 1994.

Identical letters are being sent to Congressman Dingell and Senator Kennedy.

Sincerely,

DONNA E. SHALALA.

Mr. Speaker, perhaps some of the most significant achievements of this conference agreement are the provisions directed at improving women's health. In the past, NIH has not done an adequate job of assuring the inclusion of women as research subjects in clinical trials. In the past, treatment

recommendations have been made for women but based upon studies that involved only men. The conference agreement remedies this deficiency in several ways.

First, the agreement establishes an Office of Research on Women's Health. The Office is charged with the development of a research plan to promote investigations of diseases that afflict women. Second, the agreement requires that women and members of racial and ethnic minority groups are appropriately included in NIH-funded clinical trials. Such requirements will assure that the findings of future clinical trials will have general applicability to the American population. Third, the legislation contains a special, increased supplemental authorization of appropriations for research on breast cancer and on ovarian cancer—two of the leading causes of illness and death among women. Fourth, the agreement establishes a program of research centers to develop improved methods of contraception and to discover better means of treating infertility. Finally, the agreement authorizes a special supplemental research initiative to boost funding for investigations of osteoporosis, a problem of great significance to older women.

Mr. Speaker, the conference agreement also extends for 3 fiscal years the authorization of appropriations for high priority NIH research programs. These authorizations include the National Cancer Institute; National Heart, Lung and Blood Institute; National Institute on Aging; National Library of Medicine; and National Research Service Awards.

By providing a new authorization of appropriations to strengthen the important programs of the National Institute on Aging, the conference agreement reaffirms the recommendations of the Pepper Commission for an increased commitment by the Federal Government to aging research.

Mr. Speaker, I want to note that the legislation singles out the National Cancer Institute for additional support by endorsing, for the first time, the Institute's proposed by-pass budget. Under the conference agreement, the authorization of appropriations for cancer research will be increased from its current appropriation level of \$1.9 billion in fiscal year 1993, to an authorized funding level of \$3.2 billion in fiscal year 1994. I am also pleased to report that the conference agreement provides for a major expansion in the National Cancer Institute's cancer control budget. Over the next 3 fiscal years, the agreement requires that the percentage of funds allocated to cancer control activities double. The conferees believe cancer control programs hold great promise for reducing the incidence and morbidity of cancer.

Mr. Speaker, the conference agreement strengthens NIH procedures for

dealing with scientific misconduct, protecting whistleblowers, and preventing conflicts of interest. The distinguished chairman of the full committee, Mr. DINGELL, and the staff of his Subcommittee on Oversight and Investigations are to be commended for their work in the development of these important safeguards.

The conference agreement also contains a number of provisions designed to improve morale at the NIH and to aid in the recruitment of talented researchers to Federal service. First, the legislation will help NIH retain talented senior scientists by implementing the Senior Biomedical Research Service [SBRS] and raising the number of SBRS personnel from 350 to 500. In recognition of the late Silvio Conte's role in the SBRS's establishment, the service is renamed the Silvio O. Conte Senior Biomedical Research Service. For several years, the Office of Management and Budget has blocked implementation of this innovative scientific personnel system. With passage of this legislation, we are hopeful further obstacles will be removed and immediate steps taken to begin recruitment into this innovative scientific personnel system.

The conference agreement also provides the NIH and the Food and Drug Administration with special authorities to offer prospective physicians and scientists incentive packages that include loan repayments of up to \$20,000 per year in exchange for a 3-year commitment to work at NIH or the FDA. Additional loan repayment authority is also provided to encourage the training of scientific investigators in the field of AIDS, contraception, and infertility research.

Mr. Speaker, the conference agreement retains authorities to spur research into chronic fatigue syndrome, sleep disorders, juvenile arthritis, multiple sclerosis and child health, including development of more effective childhood vaccines. In addition, a special \$150 million funding authority is provided for construction projects to modernize and rehabilitate the infrastructure of our Nation's biomedical research laboratories.

Mr. Speaker, the conference agreement includes a number of studies contained in the original Senate bill. I am particularly pleased to note the inclusion of a study to further elaborate on the relationship between the abuse of licit and illicit drugs by young people. The report represents an important opportunity for the Secretary of Health and Human Services to further expand public understanding of the impact on illicit drug use posed by the use of tobacco and alcohol by adolescents. This report should include the most up-to-date information on the comparative health, social and economic costs of substance abuse on our Nation with particular focus upon those legal drugs,

including alcohol and tobacco, which are subject to State or Federal regulation.

Mr. Speaker, I also want to note that the agreement contains a series of suggested Senate modifications to the Health Professions Student Loan [HPSL] Program and provides a new \$10 million authorization of appropriations for additional Federal capital contributions. Funds available under this new funding authority are limited to those medical schools which have the best record of training medical students to enter primary care careers.

Mr. Speaker, in closing, I would like to go on record as opposing the provisions in this conference report regarding immigration of people with HIV. If the Rules of the House had allowed me to sign separately on this issue, I would not have signed these provisions. I fully recognize that the conferees who signed this provision do not intend to change current travel and immigration policy and that they do not intend to start testing programs that don't now exist or to start exclusions that are not now taking place. I fully appreciate that waivers are available and that the Attorney General has exercised a great deal of discretion in allowing travelers, refugees, immigrants, and others into the United States. But I object to the current policy and I object to the codification of it.

These provisions do not treat people with HIV in a fair manner. If it were a question of costs, the public charge provisions could have been used. If it were a question of public health, the public health provisions could have been used.

It was neither of these. It was a question of discrimination. The conferees in this instance have overruled every public health expert who has reviewed this provision. The conferees have overruled a Republican and a Democratic Secretary of Health. The conferees have chosen to ignore all evidence and reason and to capitulate to phobias instead.

But I have agreed to this conference report anyway for two reasons: First, this bill contains many good and important provisions regarding AIDS, women's health, and biomedical research. And second, if this bill were killed over the immigration amendments, these amendments would simply spring up on the next Senate bill that comes along. The votes in the other body were clear, and with no germaneness rules to limit them, the other body will certainly try to attach these immigration provisions to every piece of worthy legislation. The immigration amendments are, I'm afraid, inevitable, and so I am unwilling to kill a health research bill that contains so much for so many.

Mr. Speaker, I urge support for the conference report.

□ 1320

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

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

Mr. Speaker, I want to express my opposition to the conference report on S. 1. I take this action regretfully, but I feel that the bill will ultimately damage the work of the National Institutes of Health [NIH] and I am unable to support it.

The National Institutes of Health is one of the finest research institutions in the world and merits our strong support. I am concerned that enactment of the legislation we are debating today will impede, and not enhance, the very fine work that is conducted by NIH. In reauthorizing NIH, we need to emphasize sound science and that NIH must be above both politics and political correctness.

While I can well understand the need for a certain amount of congressional direction and I am certainly supportive of congressional oversight, the conference report before us goes way beyond that. It contains numerous set-asides, research centers and research mandates for specific diseases. For example, the conference report creates at least 13 new offices, centers, or committees and mandates at least 13 studies in title 19. It directs the Secretary to conduct research on behavioral and social sciences, osteoporosis, Paget's disease, breast and ovarian cancer, prostate cancer, obesity, juvenile arthritis, chronic fatigue syndrome, and contraception and infertility. I personally doubt that a world-renowned institution such as the NIH really needs this much detailed congressional direction in order to conduct the best possible scientific research.

Another matter of very serious concern to me is the conference report's nullification of the moratorium on fetal research. I cannot, in good conscience, support the decision to allow such research to move forward with Federal funds. I firmly believe that opening up the door to such research will only lead to more abortions. I also believe that, over time, the safeguards against allowing such research to become an inducement for abortion will prove to be meaningless.

Finally, I would like to note my very serious concerns regarding provisions of the bill that would restructure the funding of AIDS research projects. Section 2353 will totally transform how AIDS research is funded at NIH. Under this provision, appropriations for AIDS research will not go directly to the various institutes as is the current practice, but will go directly to the Director of the Office on AIDS Research.

In a letter dated January 22, 1993, to the NIH Director, Bernadine Healy, the 22 Institute and Center Directors of NIH, said the following:

The bill * * * as written, creates an administrative structure and outline of authorities

which, in fact, may inadvertently be detrimental to the main purpose to which the legislation was directed * * * it, in fact, will have the opposite effect of impeding both the planning process and particularly the execution of AIDS research because of the additional bureaucratic layer which will have been added to the process. Of major concern is the paradox that this, in fact, will have the effect of impeding the progress of AIDS research and, at the same time, having negative effects on non-AIDS research. By hurting research other than AIDS, there will also be the additive effect of hampering those multidisciplinary areas of research that feed into AIDS research, thus compounding the problem.

Mr. Speaker, for all these reasons, I am strongly opposed to this conference report.

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

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. MCDERMOTT].

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

Mr. Speaker, while I support the efforts of my colleagues responsible for bringing the conference report on the National Institutes of Health reauthorization to the floor, I must speak against the provision codifying the ban on immigration and travel of foreign nationals with HIV and AIDS.

This provision is severely damaging to this country's efforts, and indeed the world's efforts, to prevent discrimination against the estimated 14 million men, women, and children infected with HIV in the world today.

One million of those HIV-infections are in the United States. Closing our borders will not prevent the continued spread of this disease in this country. Only a strategic policy of education, prevention, and care will accomplish this.

Nor will this immigration ban further research efforts and information gathering which take place at international conferences—activities which are very important in the fight against HIV/AIDS.

Sending an international message of discrimination shows how very far this Nation must go in avoiding the myths and facing the facts about AIDS.

A ban on immigration and travel on people with HIV and AIDS cannot protect us from the spread of this virus, will not save us from its profound costs, and will never allow us to deal openly with this epidemic.

This conference report contains many positive steps forward in HIV/AIDS research and prevention, which I wholeheartedly support, but it is my view that the provision codifying the ban on immigration sets us back immeasurably in the struggle to end discrimination against people with HIV and AIDS.

Mr. BLILEY. Mr. Speaker, it is my great pleasure to yield 3½ minutes to the gentleman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I rise today in strong support of the conference report on S. 1, the National Institutes of Health Revitalization Act. While there are many reasons to support this conference report, I would call attention to one of the most important provisions in the bill, that relating to the immigration of AIDS-infected aliens.

I am pleased to see that the conferees have taken note of the strong and clear position of the House on this issue, and have included language codifying the ban on the permanent immigration of HIV-infected individuals. This language is identical to the provisions of H.R. 985, the McCollum-Roukema-Solomon-Smith bill, and statutorily designates AIDS, and HIV-infection, as a communicable disease of public health significance.

As my colleagues may recall, support for this measure is overwhelming—similar provisions were adopted by a 3-to-1 margin in the other body, and in the House, more than 350 Members voted to maintain this ban.

I wish that this statutory designation was not necessary. But as you know, Mr. Speaker, earlier this year President Clinton proposed removing AIDS from the list of diseases for which immigration into this country can be denied. That policy cannot be supported by medical or scientific evidence. I had hoped that in the face of these facts, the President would have withdrawn his proposal. But, to date, he has not.

Mr. Speaker, I say to my colleagues that we cannot afford media distortions. The simple fact is—AIDS must be treated as an issue of public health, not one of civil rights or political expediency. And as an issue of public health, the ban on permanent immigration must be maintained.

We know the facts: AIDS remains terminal and contagious in nature. No cure has been found. Every piece of medical information indicates that the epidemic is accelerating. Just last week, the World Health Organization—the definitive medical expert on the AIDS epidemic—raised its estimate from 13 to 14 million persons infected with HIV. At this rate, WHO estimates that 30 to 40 million people will be infected by the year 2000.

Finally, scientists are finding new strains of HIV and pneumonia, proving the point that there is more unknown than known about this disease.

There are also enormous costs associated with this disease. The long-term costs of treating an AIDS patient start at \$100,000 each. We are here on the floor increasing the money we spend on AIDS research and treatment, and still our public hospitals cannot face the existing case load.

And more and more, it is the public—the taxpaying American citizen—who picks up the cost of care for AIDS pa-

tients. How, in the name of all that is rational, can we act to radically increase those costs? At a time when millions of Americans struggle daily under the crushing burden of escalating health care costs, how can we knowingly add to that drain?

Let me remind my colleagues that never in the history of modern medicine have we knowingly admitted new sources of contagion during an epidemic. Our efforts should be concentrated on containing the spread of the epidemic, not introducing new sources of infection. Lifting the ban on AIDS would only serve to place healthy citizens at higher risk, and the conference committee has done well to reject this ill-conceived plan.

Finally, let me note for the record that this is not a heartless or cruel policy. Our present law can and does deal with visitors infected with HIV. We allow waivers for men and women who may want to visit family, seek medical treatment, or conduct business. These people are allowed to enter the United States for a short time, and the McCollum-Roukema-Solomon-Smith provision in no way alters those waivers.

The conference report before us ensures that AIDS shall be classified as a communicable disease of public health significance, and that the long-standing prohibition on HIV-infected immigration stays in place. I am pleased to see that the conference report has rejected specious arguments based on political considerations, and has brought back to us the only acceptable policy supported by medical and scientific evidence.

Mr. Speaker, I congratulate my colleagues on the conference committee for their fine work, and urge each of my colleagues to support the conference report.

□ 1330

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from the State of Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Speaker, I thank the gentleman for yielding time, and would congratulate him on a job well done.

Mr. Speaker, it has been almost 3 years since the General Accounting Office reported that medical research was done mainly by men on men for men—3 years of educating and advocating and fighting for equal attention to women's health. I am very happy to be standing here today expressing my support for final passage of the National Institutes of Health Revitalization Act.

The NIH Act means more than increased funding for areas such as breast cancer, osteoporosis, contraception, and infertility. It means more than increased numbers of women conducting medical research or participating in clinical trials. It means that our Nation will no longer think of women's health concerns as an afterthought,

but as a vital part of our Nation's health research agenda.

I urge my colleagues to support this landmark legislation to improve the health and the lives of our Nation's women for generations to come.

Mr. BLILEY. Mr. Speaker, it is a great privilege to yield 3½ minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, tragically for the children who will be abused as a result of this bill, the legislation before us codifies the reversal of the moratorium on the use of deliberately aborted babies in federally funded research.

The legislation neglects to include important safeguards recommended by the 1988 Human Fetal Tissue Transplantation Research Panel, thereby allowing for an extreme reversal of Federal policy and flagrant disregard for innocent human life. The legislation creates ethic advisory boards and entrusts these boards with the authority to determine the appropriateness of specific life threatening and life taking experiments involving unborn babies. It is a remarkable power these boards will hold, differentiating the acceptability of one horrendous human dissection from another.

If the past is prolog, Mr. Speaker, it is conceivable that experiments and transplantation from living unborn babies will be the next target of federally sanctioned research. According to the Energy and Commerce report of H.R. 5661, the bill of 1990, in 1974 Federal-funded researchers saw fit to conduct experiments on living unborn babies. The report details the experiment, which the gentleman from California [Mr. WAXMAN] and others point to with high esteem, and which I think is unfortunate, which involved the administration of the rubella vaccine to pregnant women in the following manner. "Because of the potential risk to the fetus, women requesting therapeutic abortion were employed as subjects. These volunteers received the vaccine and underwent the abortion 11 to 30 days later. Examination of tissues from the dead aborted fetuses showed that in contrast to the results in monkeys, the vaccine virus did cross the human placenta and infect the fetus."

In other words, Mr. Speaker, these living unborn children were used as guinea pigs, deliberately exposed to the rubella vaccine, deliberately exposed to this disease while they were still alive, again being used as guinea pigs, and then killed by the abortionist, and then their bodies were dissected to see what happened.

What happens if some of those women decided not to abort and these children were affected in a negative way by the disease? What would have happened? We would have had deliberately induced deformity in a child. This brave new world of research re-

gards unborn babies as guinea pigs, and treats them inhumanly.

Let me remind Members that this experiment occurred under the same scenario, Mr. Speaker, that S. 1 is establishing. No safeguards are included in the bill to prevent this type of so-called research from occurring.

Mr. Speaker, if you want to get a clear picture of what transplantation looks like, and this I believe will become much more rampant as a result of this bill, here is a verbatim description of fetal tissue extractions reported in the June 1989 issue of the Archives of Neurology. "Two methods of collect fetal material were used. With the first method, a plastic cannula, connected to a 60 ml syringe, was inserted into the uterus. Under ultrasound guidance, the opening of the cannula was directed to the fetal head. Suction was applied, and the fetus was slowly aspirated and fragmented into the cannula."

S. 1 establishes a close relationship between abortionists and medical researchers. This collaboration of medical researchers lends credence to the practice and further dehumanizes human life. It cheapens the lives of unborn children.

It seems to me ironic, Mr. Speaker, that the policies put forth in S. 1 place such a high premium on the value of fetal tissue and individual parts of unborn babies, yet we will not acknowledge the inherent value of that same life as a whole for himself or herself.

By voting in favor of S. 1, we are giving our seal of approval to this barbaric research. I hope Members will reconsider.

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

Mr. Speaker, I just want to comment that after hearing the gentleman from New Jersey [Mr. SMITH] who just addressed us, it seems to me the most barbaric thing would be to have women who are pregnant have rubella vaccines without knowing that their babies would be deformed. I also want to point out that while I disagree with the gentleman on that issue, that is not what is before us today. That kind of research is not affected by what we have in this legislation.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I rise in support of this conference report. We have waited 3 long years for this bill to finally reach the floor with an assurance that it will be signed into law. This bill contains critical provisions to address the historic neglect of women's health research. The Congressional Caucus for women's issues has been working to fill the gaps in research on women's health since 1989, when we requested a GAO study on the status of women's health research; the resulting report in 1990 led to many of the provi-

sions that are included in this legislation today.

Among its many important provisions are the requirement that women and minorities be represented in clinical trials and the permanent authorization of the Office of Research on Women's Health at NIH. Funding for breast and ovarian cancer, osteoporosis, and other women's diseases is increased, and legislation to establish a National Cancer Registry is also part of the conference report.

I note that the conference report authorizes a new Office of AIDS Research within NIH. I look forward to working with that office. Hopefully the increased research on HIV in women will be part of what the office's commitment will be.

The bill also lifts the ban on fetal tissue research, which has already led to a number of medical advances and is very promising in fighting diseases ranging from Alzheimer's and Parkinson's disease to Juvenile diabetes and leukemia. The bill provides strict safeguards for the donation of fetal tissue and is supported by a broad coalition of scientific and health organization, including the American Medical Association, the American Academy of Pediatrics, and the American College of Physicians, to name just a few.

Mr. Speaker, women's health concerns have lagged behind for generations, and it is vitally important that the needs of millions of women across the country are finally addressed. This legislation will go a long way toward bridging this gap, and I urge my colleagues to support it.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Speaker, not a day goes by when we are not reminded of someone less fortunate. Any of us that read yesterday's Washington Post could not miss the tragic front-page story of Doti Lonaberger and Frank Aldrich, who suffer from Freiderich's ataxia. Many of us have watched closely as a friend, colleague, or family member has suffered a long, often painful, disease that has robbed them of their life. We have all sat by that bedside, as we have gripped their hand, prayed, and often wondered out loud, why?

Why is it that we have not found a cure for something that strikes one in nine women, like breast cancer? Why can we not help prevent the suffering of our next-door neighbor who has Lou Gehrig's disease, the child down the street with leukemia, our former colleague Mo Udall with Parkinson's, our parents with Alzheimer's, the list goes on and on and on. No family has been untouched.

How tragic that our Nation, with the best and brightest physicians and researchers, armed with an awesome arsenal of health care technology, have

not been able to fully utilize the tools of science to combat these painful, dreadful killer diseases until now.

Mr. Speaker, a year and a half ago I doubt that many Members here knew much about fetal tissue research. Virtually everyone in the research community supported the research, but there was opposition, by a minority here in Congress.

Now, that is gridlock. This, despite the fact that a Reagan-appointed panel voted overwhelmingly to continue the research, saying that it would not lead to more abortions.

In fact, in perhaps a rare event of prochoice and prolife harmony, the safeguards for fetal tissue research were strengthened with my amendment.

Most of us here have benefited from this research, which relieved us from crippling diseases of an earlier era, such as polio, which today exists only as a wrenching memory.

Almost every day we hear about new breakthroughs in medical science. We have wasted a year by not enacting the bill, this bill, last year.

Mr. Speaker, this bill is more than hope. It is life for so many.

Have my colleagues met Joan Samuelson, who despite having Parkinson's still is able to move down the Halls of Congress hoping to win the race for a cure? Have they met Baptist minister Guy Walden, whose child lives today because of this research, after losing two others to an awful, early death?

As I put my two little kids to bed last night and began to think about my speech today, I thought about my answer when they someday will ask of their dad, "What did you do in Congress to make a difference?"

The enactment of this bill will say it all. Mr. Speaker, life will always be too short, but let us do what we can to save lives.

Please vote "yes." We cannot wait another day.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Virginia [Ms. BYRNE].

Ms. BYRNE. Mr. Speaker, I rise today to express my support for the NIH conference report. It has taken us a long time to reach this point, and we must be thankful for a President in the White House who recognizes the need for more research into the many health concerns of women. All of the provisions of this bill are important; all of them are overdue.

Mr. Speaker, breast cancer is the leading cause of death in women between the ages of 35 and 54. Every 3 minutes a woman in America is diagnosed with breast cancer. Every 11 minutes someone's mother, sister, daughter, or wife dies of breast cancer. Those are 46,000 needless deaths.

This legislation authorizes \$225 million for basic breast cancer research, and \$100 million for detection, preven-

tion, and treatment. It authorizes \$75 million for gynecological research as well.

We also cannot overlook the fact that AIDS is spreading exponentially among women—faster and farther than among any other group. Last year it was the fifth leading cause of death among all women in this country. This legislation creates a \$100 million discretionary fund for AIDS research.

The AIDS epidemic also points to a dire need for contraceptive research. Mr. Speaker, we can do so much more to protect our youth from this deadly and costly disease. This bill is a major step in that direction.

It authorizes \$30 million in fiscal year 1994 to fund five applied research centers under the National Institute of Child Health and Human Development. Three of the centers will focus on better methods of contraception. Two centers will be devoted to new treatments for infertility.

Mr. Speaker, I urge my colleagues to lend this important legislation their strongest and most enthusiastic support.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, although there is much good in this conference report, I will vote against it because it allows federally supported research using fetal tissue transplants from elective abortions.

On the positive side, it does, believe it or not, include language that codifies the ban on permanent entry of HIV-infected immigrants. This ban was supported by a vast majority of the American people, and I am happy to see that it was included in the conference report.

It also creates a new Office of AIDS Research for Centralized Planning and Coordination. While I support this, because of the increasing number of AIDS deaths, I find it peculiar that NIH does not have an Office of Heart Disease Research, which last year killed 750,000 of our fellow citizens. The tragedy of AIDS is still mercifully between 20,000 and 25,000.

While S. 1 supporters claim it will guard against abuses in fetal tissue research by prohibiting the sale of fetal tissue, do not believe for a second that that is going to be firm law. It will be violated regularly, as it has been for decades, with aborted babies sold to medical labs after they are dead.

S. 1 supporters also claim it will prevent the directed donation of tissues. I recently saw a television show glorify a family in which the woman, in her forties, deliberately conceives in order to have a baby girl so that the baby's bone marrow could be transplanted into her older sister thus saving her life. That was excellent and heroic, but not really the best reason to have a child. With all of this glorification, can

anyone tell me we are not going to see stories about a misguided daughter who, to save her father with Parkinson's gets pregnant and then terminates that pregnancy to extend her father's life into his 80's or 90's?

S. 1 also says that any interference with abortion procedures for purposes of obtaining fetal tissue will not be allowed.

Does anyone believe for a minute, when abortionists, those who do nothing else—I do not even consider it medicine—are already describing to one another the D&X procedure, where you bring the preborn child into the birth canal, insert scissors at the base of the skull, open up a hole, and then put in a tube and evacuate the brain tissue. By the way, we are being told, especially from Frankenstein experiments in Stockholm, Sweden, that this brain tissue is the way to extend people's lives into their 80's and 90's. They take the brain tissue from a child in the womb and put it directly into the head of someone who has one of these debilitating diseases generally associated with old age. Does anyone think for a minute that this language is going to be respected?

People will violate these provisions for the purpose of obtaining fetal tissue.

□ 1350

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

Mr. BLILEY. Mr. Speaker, it gives me great pleasure to yield such time as he may consume to the gentleman from California [Mr. MOORHEAD], the ranking member of the Committee on Energy and Commerce.

Mr. MOORHEAD. Mr. Speaker, the National Institutes of Health is one of the most prestigious research facilities in the world and I support reauthorization of those programs which have expired. However, I have several concerns about numerous provisions in the conference report on S. 1.

Let me briefly mention a few of those concerns.

Last year, President Bush established a fetal tissue bank. We received several letters from noted scientists, including Dr. Bernadine Healy, Director of the NIH, stating that the tissue bank was a viable alternative to using tissue from aborted fetuses to meet research needs. Why has the moratorium been lifted before we know if the tissue bank is or is not a success? I cannot support legislation which would permit the use of tissue from induced abortions for this research.

I am also concerned about the level of funding in the conference report. When the President is proposing raising taxes to help reduce the Federal deficit, it is critical that we not respond with business as usual; namely increased spending. The American people do not want to see their taxes in-

creased only to see Federal spending increase. I urge my colleagues to dispel fiscal constraint.

I am also very concerned about the provisions of the conference report which would significantly alter the mechanism by which AIDS research is funded. I think it is dangerous to put all the authority over AIDS research funding into the hands of one individual. I am afraid that both AIDS and non-AIDS research will suffer.

Mr. Speaker, for all these reasons—because I am a strong supporter of NIH, I cannot support the conference report. I urge my colleagues to reject it.

Mr. Speaker, I would also like to note in conclusion that NIH has not been authorized for several years, but the programs have been going forward and the programs have been prospering. This report with these provisions are not necessary for the success of NIH.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. Speaker, I was a conferee on section 2007 of this bill dealing with an amendment to the Immigration and Nationality Act. I wanted to take a moment to explain a successful conclusion to that, even though I must say that I oppose much of this bill.

The part that I dealt with, though, in the conference from the Committee on the Judiciary deals with the exclusion of aliens who have the HIV virus. As agreed to in the conference, the bill incorporates the language of the McCollum-Solomon-Roukema-Smith bill on HIV exclusion, which was H.R. 985, and which 82 other Members have cosponsored.

Under section 212(a)(1)(A) of the Immigration and Nationality Act, certain noncitizens or aliens are excluded from the United States because of health-related conditions. One of the primary health-related grounds of exclusion is an infection with a communicable disease of public health significance.

As the Members are probably aware, the Clinton administration indicated early on this year that they were going to no longer recognize HIV under this category, and the Senate passed as an amendment to this bill a provision that Senator NICKLES offered that would have placed the HIV clearly as a communicable disease, and did a number of other things involving the requirement of certain testing that would have to take place, and certain waivers that would be locked in by statute.

The ultimate result of the conference, which is the product that is out here today, was not to adopt the Nickles provisions per se, but rather to go back to what some of us offered originally in bill form, but on which we

had never voted on the floor, but which codifies clearly that the HIV or AIDS virus clearly is a communicable disease of public health significance, and that somebody is subject to exclusion under it; in other words, to codify the present law as it is today without all of the trimmings that the Nickles amendment might have done to it.

I think it is a solid provision. I think it does the right thing. It does what the majority of Members of both parties really want to do, and with respect to that, I think this bill is in good shape. However, as I said earlier, I have other problems with the bill unrelated to that.

I thought Members should know that the HIV issue in this bill has been squared away, is straightened out, is acceptable to the minority, and I think to most of the majority as well. I thank the gentleman for yielding for that explanation.

Mr. Speaker, I would also like to note in conclusion that NIH has not been authorized for several years, but the programs have been going forward and the programs have been prospering. This report with these provisions are not necessary for the success of NIH.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, section 2007 of the conference report before the House amends the Immigration and Nationality Act. This provision is not related to the remainder of the bill, on which I was not a conferee and much of which I oppose.

However, section 2007 is a significant provision on which both this House and the other chamber expressed overwhelmingly strong views. As a conferee on that section alone, I would like to explain its terms and implications.

Section 2007 codifies the current regulatory exclusion of aliens who are HIV positive. As agreed to in conference, the bill incorporates the language of the McCollum-Solomon-Roukema-Smith bill on HIV exclusion, H.R. 985, which 82 other Members have cosponsored.

Under section 212(a)(1)(A) of the Immigration and Nationality Act, certain non-citizens—or aliens—are excluded from the United States because of health-related conditions. One of the primary health-related grounds of exclusion is infection with a communicable disease of public health significance.

Specific diseases are not listed in the statute; the Secretary of Health and Human Services is to determine which diseases meet this standard and list them in regulations.

In 1987, Congress adopted language directing HHS to add HIV to the list of excludable diseases, which the statute then described as "any dangerous contagious disease." At the same time, HHS was moving to do just that.

The Immigration Act of 1990 rewrote the standard for excludable diseases to read communicable disease of public health significance.

In 1991, HHS proposed a new rule removing HIV from the list of excludable diseases. In

the face of strong opposition from Congress and the Justice Department, HHS issued an interim rule that retained HIV on the list.

In 1993, HHS has again submitted a final rule removing HIV from the list, and the Clinton Administration stated in February that HIV would be removed from the list.

Congress has responded by stating clearly and overwhelmingly its view that HIV is a communicable disease of public health significance, and that aliens infected with this disease should be excluded.

On February 18, the Senate voted 76 to 23 to adopt the Nickles amendment to S. 1. On the same day, H.R. 985 was introduced with 64 cosponsors. On March 11, the House voted 356 to 58 to instruct House conferees on S. 1 to accept the Nickles amendment.

The Nickles amendment specified that HIV is a communicable disease of public health significance under the INA, required a report with several specific types of data, and mandated testing for HIV in accordance with the policy in effect on January 1, 1993. It also codified current administrative waivers of the testing requirement for nonimmigrants seeking entry for 30 days or less for specific purposes including tourism.

After rejecting proposals that would have severely weakened codification of the current HIV exclusion, House conferees on the NIH reauthorization bill offered the McCollum-Solomon-Roukema-Smith language as an alternative to the Nickles amendment.

Senate conferees initially opposed this offer, rejecting language—which was included in both the House language and the Nickles amendment—calling HIV a "communicable disease of public health significance." After further negotiation, the Senate accepted the House offer.

The final result is that S. 1 codifies current regulations listing HIV as a "communicable disease of public health significance." Waiver authority under current law remains unchanged. The current statutory requirement that immigrants and refugees be given medical exams also remains unchanged.

Under current waiver authority, a waiver may be granted to applicants for immigrant visas if they are close relatives of a U.S. citizen or permanent resident alien. Refugees may also be granted a waiver.

Although applicants for nonimmigrant visas are not required to undergo medical exams, there are cases where a consular or immigration officer knows, or has reason to know, that an applicant is HIV positive and requires the applicant to submit to a medical exam. If the applicant tests positive, he or she is excludable.

Current law allows the Attorney General the discretion to admit such a person temporarily as a nonimmigrant. Under this authority, INS issued an administrative directive waiving the testing requirement for an alien who is entering the U.S. for 30 days or less first, to attend educational or medical conferences, second, to receive medical treatment, third, to visit close family members, or fourth, to conduct temporary business activities.

I want to make it clear that my support for section 2007 of the NIH Revitalization Act does not mean that I support the bill as a whole. There are several provisions in S. 1

that I cannot support, and I will therefore vote against the conference report.

Mr. WAXMAN. Mr. Speaker, I am honored to yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise in strong support of this legislation. I do so because these institutes are more than Institutes of Health, they are, to many Americans, the National Institutes of Hope.

The life-saving work done at NIH gives hope to millions of Americans.

It offers hope to Anthony Colletta of Flushing, NY, who has lived with diabetes for over 5 years himself and who saw his own father die of this tragic disease.

It offers hope to Maureen Spies of Forest Hills, NY, who is undergoing chemotherapy for breast cancer after having lost her own mother and aunt to the tragedy of breast cancer and to the millions of other women who live knowing that they could be the one woman out of nine who will be a victim of breast cancer.

It offers hope to 8-year-old Sara Siegel of Harrison, NY, who has fought juvenile diabetes for over 4 years.

It offers hope to Jane Perlmutter of New Rochelle, NY, and hundreds of thousands of others who suffer from chronic fatigue syndrome.

It offers hope to 4-year-old Danny Potocki of Pelham, NY, as he fights acute leukemia.

And there is good reason for their hope. These institutes have truly saved lives. Thanks to NIH work, over the last two decades, heart disease fatalities have been reduced by 39 percent. Deaths due to stroke have been cut by 58 percent. Five-year cancer survival rates have increased by 52 percent.

Mr. Speaker, to all of those I mentioned earlier and millions like them, our action today in passing this legislation and our commitment to the work of these institutes over the long term gives real hope for healthier lives, for longer lives. No investment that we make could be more worthwhile. NIH is indeed the institute of hope.

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

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

Mr. Speaker, I want to acknowledge the work by a number of people in presenting this legislation to us today, people who have worked long and hard over the numbers of years that we have labored to get this bill to the floor: From the full Committee on Energy and Commerce, Suzanne Rudzinski; for our own Subcommittee on Health and Environment, Tim Westmoreland, Ruth Katz, and Ripley Forbes; from the legislative counsel's office, Peter Goodloe.

We had a number of people from the outside who have worked strenuously

lobbying, knocking on doors, to explain why they feel that tissue research should be permitted. I want to mention Joan Samuelson, Guy and Terri Walden and their son Nathan, Anne Udall, Trudy and Howard Jacobson, and Judy Culpepper.

Then there were thousands of others around the country who said this bill did offer hope to them, hope of a cure, a prevention, a control of diseases that affected members of their families or themselves.

The National Institutes of Health is the gem of the Federal Government's efforts to combat disease. I urge an aye vote for this legislation.

Mr. DINGELL. Mr. Speaker, I am pleased today to rise in support of the conference report accompanying S. 1, the National Institutes of Health Revitalization Act of 1993.

Many people have worked long and hard to bring this bill to fruition. I would like to thank Mr. WAXMAN for his hard work in managing the bill and for successfully resolving many difficult and contentious issues.

I would also like to thank: Mr. WYDEN for his hard work on the bill and as a conferee; and Mr. BROOKS, Mr. MAZZOLI, and Mr. MCCOLLUM for their work as conferees on the provision concerning immigration of HIV-infected individuals.

I also thank Mr. FORD for his work as a conferee on the low-income housing energy assistance provision; and Mr. MOORHEAD and Mr. BLILEY for handling the bill in a gentlemanly fashion even though they disagree on the merits of several provisions of the bill.

FRED UPTON also deserves thanks for his leadership on fetal tissue transplantation research. And a special thanks to the Women's caucus and its efforts in support of the bill.

This conference report is the culmination of the efforts of the House and Senate to resolve a number of technical differences.

This comprehensive legislative package addresses a wide variety of health research issues. These issues are vital to maintaining the NIH as the world's foremost biomedical and behavioral research center.

Among other things, the bill reauthorizes the National Cancer Institute and the National Heart, Lung and Blood Institute.

It will improve research on women's and minorities' health. The bill include special initiatives on fetal tissue transplantation research, and on breast, ovarian, and prostate cancer.

Additionally, it establishes an Office of Research Integrity to investigate allegations of research misconduct and to protect whistleblowers to report allegations of such misconduct.

The research activities covered by this bill are critically important to the future quality of our Nation's health care. These activities represent the most productive investment funded by the Federal dollar.

New discoveries in disease prevention and treatment greatly reduce the enormous burden of human suffering and economic loss inflicted by illness.

For example, fetal tissue transplantation research holds the promise for new breakthroughs. These breakthroughs will help to reduce the suffering of millions of Americans

suffering from previously incurable, debilitating diseases such as Parkinson's disease, Alzheimer's disease and diabetes.

The conference agreement is also faithful to the instructions of the House to address the issue of immigration of individuals infected with HIV. The House conferees offered, and the Senate accepted, language recommended by Congressman MCCOLLUM.

That language maintains current prohibitions in law on immigration of such individuals. This is the same language that some Members sought to make in order when the House originally considered the NIH bill. However, it was not included at that time because it was not germane to the bill.

In conclusion, reauthorization of the NIH programs will ensure that we obtain the scientific knowledge necessary to prevent disease, improve the quality of health care, prolong life, and share the effectiveness of the American health care system.

I strongly support this legislation and urge my colleagues to do likewise.

Mr. FAZIO. Mr. Speaker, I rise in support of the conference report on S. 1, the bill that will reauthorize funding for the institutes, centers and divisions of the National Institutes of Health [NIH] for the first time since 1988. If S. 1 is enacted, it will enable America's top scientists and researchers to continue the crucial research that will lead to the new knowledge necessary for preventing, detecting, diagnosing, and treating disease and disability.

NIH research encompasses juvenile diabetes, as well as heart disease and arthritis in our children, and results in immunizations against the infectious diseases that threaten them. It has resulted in decreases in both heart disease and stroke mortality in Americans of all ages.

S. 1 continues in this tradition by providing for research on the development of new and improved childhood vaccines, as well as on juvenile arthritis, multiple sclerosis, and nutritional disorders and obesity. The reauthorization also streamlines and coordinates AIDS research, avoiding wasteful duplication and paving the way for a more efficient approach to combatting this deadly disease.

Recognizing that, in the course of a lifetime, one in every three Americans is expected to contract some form of cancer, S. 1 includes a provision enabling all States to set up cancer registries—for all cancers—operating under uniform standards. It also expands research for cancer, fertility and contraception, and osteoporosis—a disease to which so many American women fall prey and which is a major cause of chronic disability in our elderly.

One out of every nine women in this country will develop breast cancer; this year alone, tens of thousands of American women will die from this terrible disease. Therefore, S. 1 establishes the first congressional program targeted specifically at breast cancer prevention and cure. It increases research on the causes and prevention of breast cancer, ovarian cancer, and cervical cancer. It also requires that women and minorities be included in clinical research studies, where appropriate, and establishes a permanent Office for Research on Women's Health within the NIH. There is also a provision that increases research and prevention programs in prostate cancer, a dis-

ease that is diagnosed in 132,000 American men every year and that kills 34,000 American men annually—second only to lung cancer.

American families are being overwhelmed by the financial and emotional strain that results when a child, parent, or spouse—any loved one—is stricken with diabetes or heart disease or Alzheimer's or a stroke. I have received numerous letters and phone calls from such families in my district—the families who have a stake in the work of the NIH. These are the Americans whose hopes hinge on the discovery of a cure for juvenile diabetes, for cancer, for kidney disease, for arthritis. We therefore have to support NIH research. We cannot afford not to invest in the kind of life-saving research that S. 1 authorizes, because it is such an important part of the foundation of our health care system.

An investment in the work of the NIH is one of the best ways we have of preventing the costly treatment that too often follows when serious illness strikes. If an ounce of prevention is really worth a pound of cure, it makes good common sense to pass this bill now so that we can get on with the business of tackling the major health care reform challenges that are before us.

Mr. Speaker, I commend Chairman WAXMAN and his subcommittee for their efforts in bringing this bill to the floor and for reminding us of the challenge that remains—the challenge for us to better prevent and treat cancer, diabetes, heart disease, kidney disease, stroke, Alzheimer's disease, AIDS, blindness and arthritis, and to better understand both the aging process and the lifestyle practices that affect our health. NIH research is one of the best tools we have in meeting this challenge.

This is not a partisan issue. It is a health care issue. Mr. Speaker, I therefore urge my colleagues on both sides of the aisle to make an up-front investment in the health and the quality of life of all Americans, by supporting the conference report on the bill reauthorizing our National Institutes of Health.

Mrs. KENNELLY. Mr. Speaker, I am pleased to rise today in support of the conference report on S. 1, the NIH Revitalization Act of 1993.

Many Americans will never know how much research performed at the National Institutes of Health has helped them to live healthier, more productive lives. Many of us have family and friends who have already benefited tremendously from breakthroughs made at NIH.

But we will gain even richer rewards in the future, because this legislation provides NIH with the means necessary to investigate and conquer terrible diseases into the next century. Think of the women who will now have a better chance to survive breast cancer because of the funding this legislation provides for breast cancer research at the National Cancer Institute. Or for the expansion of the National Heart, Blood, and Lung Institute to provide improved training and education to cure these diseases. This legislation reaches out to help Americans of all ages by providing additional research in the area of pediatrics, as well as calling for the establishment of a research program to look into the causes and treatments of osteoporosis.

This legislation is an investment, an investment in the health and well being of Ameri-

cans. Our ability to research and combat disease has already led to a dramatic increase in lifespan. Now it is time to build on these gains. I am pleased to give my support to this conference report, and urge my colleagues to do the same.

Mr. PORTER. Mr. Speaker, I support the conference report on the NIH reauthorization.

The bill contains important authorizations for our Nation's premier biomedical research institutions. It puts a new emphasis on chronic fatigue syndrome [CFS] and sleep disorders research, two areas which have not received the level of attention they deserve.

In addition, the bill would continue to permit researchers to conduct studies involving the transplantation of fetal tissue—studies which offer the hope of developing effective treatments for Parkinson's and possibly Alzheimer's and could conceivably yield a cure for diabetes.

Mr. Speaker, I find it truly sad that a tangential argument on abortion, which would not be affected by this legislation, threatens to derail important and potentially life saving research.

If opponents have their way, and succeed in blocking research on fetal tissue, not one less abortion will be performed in this country. Put another way, if we do the right thing and allow researchers to study fetal tissue subject to stringent ethical guidelines, not one additional abortion will be performed in this country.

The safeguards in this bill clearly separate the decision to have an abortion from the decision to donate fetal tissue. Decisions or discussions involving donation of fetal tissue cannot take place until after a woman has made the decision to have an abortion.

While the issue of fetal tissue research clearly involves abortion, it is in no way about abortion, and will certainly not encourage abortion.

A vote to oppose fetal tissue research does not limit access to or availability of abortions. It simply ensures that tissue that might otherwise be used to benefit society will be tossed on the medical waste heap. And it destroys the hope of millions of Americans who suffer from potentially curable and treatable diseases.

I support the NIH bill and urge all Members to vote for it.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise today in strong support of S. 1, the National Institutes of Health Revitalization Act of 1993. The NIH is a renowned and respected institution which has been at the forefront of the battle against the diseases that plague our Nation. The legislation before us today is significant in its commitment to furthering the important mission of the NIH by increasing its emphasis on AIDS research, as well as on those health problems that affect American women and minorities.

Mr. Speaker, this legislation affirms the commitment to biomedical research, and the search for cures to such horrible diseases as AIDS and cancer. At the same time, it acts on behalf of our future generations by establishing a children's vaccine initiative that guarantees better access and protection for a larger number of our children, thereby preventing the unnecessary spread of diseases.

I am also gratified to see that this bill takes a particularly meaningful step toward improv-

ing health care for women and minorities. It requires the inclusion of women and minorities as subjects in NIH-funded research, as well as establishing an Office of Research on Women's Health, and an Office of Research on Minority Health. This legislation also establishes a national women's health data bank to assist in the coordination and dissemination of women's health research, allowing the NIH to focus on health problems that disproportionately affect women. Furthermore, this bill authorizes important additional funds for diseases such as breast cancer and osteoporosis.

Mr. Speaker, I urge my colleagues to support the NIH Revitalization Act. By giving full support to the important research at NIH, we are making a strong commitment to the future health of our Nation as a whole.

Ms. VELAZQUEZ. I rise today in strong support of the conference report on S. 1, the NIH Authorization Act. This is a landmark piece of legislation that promotes research in areas that historically have been overlooked or simply ignored.

The NIH conference report authorizes a total of \$6.2 billion in fiscal year 1994, including \$100 million for breast cancer research, and \$75 million for breast cancer detection and prevention. The bill also requires NIH to include women and minorities in clinical research trials and permanently establishes the Office of Research on Women's Health, whose purpose is to identify projects of women's health research that should be supported and to monitor the inclusion of women in clinical trials.

For years women have been excluded from clinical trials for methods of treatment because researchers assumed that men could serve as the sample for both sexes. Researchers feared that women of child-bearing age would be placed at risk if they had taken experimental medication. The end result is that women are diagnosed in the latter stages of a particular disease when it may be too late to receive proper treatment. Minority women, in particular, have suffered tremendously due to the lack of research, or because they are unaware of prevention and detection measures.

Unfortunately, the strides this bill takes in health research are tainted by the scourge of discrimination. The NIH conference report includes a provision that will codify the regulatory ban on the permanent admission into the United States of immigrants infected with the HIV virus. One of my greatest concerns is the way in which immigration officials will determine who is infected. Will they single out Haitians because the United States had erroneously labeled them as primary carriers of the virus? Will Europeans be subject to the same scrutiny? We are setting a disturbing precedent in this country, one that contradicts the fabric that once wove this country together and constantly expanded to include all people from around the world.

Mr. Speaker, I urge my colleagues, as they support the NIH conference report, to take a long, hard look at the implications of this ban. While I am keenly aware of the dangers of HIV and AIDS, I do not believe that banning people from this country will do anything to stop the spread of the disease. We desperately need research and education to help eliminate AIDS, not barriers and blockades.

Mr. ORTON. Mr. Speaker, I wish to add some remarks to those of my distinguished colleagues concerning the conference report on S. 1, National Institutes of Health Authorization. I have voted against this bill in the past because of my opposition to the provisions on fetal tissue research, which I have attempted to change through amendment. While I have thus far not been successful in this effort, I recognize the importance of the many good programs and projects in other provisions of this bill and therefore will vote in favor of its final passage.

Mrs. LLOYD. Mr. Speaker, I rise in strong support of the conference report, and I urge my colleagues to join me in supporting the many good programs and research projects that are authorized by this legislation.

This legislation includes virtually all of the provisions of the NIH bill that was overwhelmingly passed by the Congress last year and vetoed by President Bush. It includes provisions from last year's bill on women's health and increases funding for research on breast cancer, ovarian and cervical cancer, osteoporosis, and reproductive health. The bill goes even further and establishes within the Office of the Director of NIH, and Office of Research on Women's Health.

We often read about important medical breakthroughs that unlock the mystery of disease and give hope to afflicted patients and their families. Such advances do not occur overnight. They are the result of years of adding to our existing knowledge. In the world of science, we are never quite sure which experiment or project will unlock the door to a cure. We do know that unfunded research efforts and lack of commitment get us nowhere.

One disease in particular that plagues our Nation is breast cancer. The rate of breast cancer has increased for the past 20 years. Several thousand women will die of this disease this year alone, and we still know very little about its cause or cure. In June 1991, I joined with my colleagues on the congressional caucus for women's issues to challenge our medical community to find the causes and cure for breast cancer research by the year 2000. Dr. Sam Broder, Director of the National Cancer Institute, accepted our challenge provided the Institute be given the resources to succeed. The bill before us today contains the stimulus needed to activate the NCI research efforts in order to free the lives of women from breast cancer through an increased emphasis on basic and clinical research and through improved education and outreach programs, and continues the commitment to eradicating this dreaded disease that plagues our Nation.

The conference report also includes several other very important provisions that will help us to move closer to understanding, treating, and ultimately curing diseases that cause so much needless suffering and loss of human life. It also includes language to overturn the Bush administration's ban on fetal tissue research. Such research has shown great promise in treating such diseases as Parkinson's disease, diabetes, Alzheimer's disease, and other disabling conditions, and is considered a critical component of research by our medical research community. I'm sure many of us have heard the horror stories from patients suffering with Parkinson's disease and hoping

all the time that our Nation finds a cure for this illness. I think it's important to note that this bill includes numerous safeguards against potential abuse in fetal tissue transplantation research.

I am also pleased to note that the conference report contains legislation which I introduced with my colleagues, Representative WYDEN, former Representative Downey, and former Senator Adams and Senator BINGAMAN, which will provide for two studies to address the serious problem of malnutrition and the elderly.

These are diseases that affect every one of us. If not individually, they affect a member of our family. The future of our health lies in jeopardy. As I have said before, improving the Nation's research commitment is fundamental to improving the health care received in this country. This is truly a human life bill and I hope all of my colleagues will support its passage.

Mrs. MINK. Mr. Speaker, I rise today in strong support of the conference report on the National Institutes of Health Revitalization Act.

This bill signifies great hope for the women of America—hope that one day, breast cancer will no longer be the most prevalent disease in women, hope that there will soon be an early detection test for ovarian cancer, hope that new information about the prevention of heart disease in women will mean that it is no longer the No. 1 killer of women in this country.

Mr. Speaker, many of us, particularly the women in Congress have worked very hard over the last 2 years to pass this legislation, which includes the most comprehensive women's health initiative ever to be considered in the Congress. These provisions signify that women will no longer have to take a back seat when it comes to biomedical research.

The NIH reauthorization bill permanently establishes the Office of Research on Women's Health to coordinate and monitor women's health research at the NIH. It requires the inclusion of women, minorities, and disadvantaged individuals in clinical research trials. It provides \$355 million for basic and clinical breast cancer research, and \$30 million for contraceptive and infertility research.

The bill also includes \$75 million for research on ovarian and other reproductive cancers, a provision of great importance to me. Since I returned to the Congress in 1990, one of my priorities has been to increase Federal funding of research on ovarian cancer. Ovarian cancer is perhaps the most compelling example of the kind of neglect women's health has suffered over the last century.

As ovarian cancer continues to threaten over 21,000 women each year, there is still no early detection test to diagnose this disease in its early stages. The result is that two-thirds of the women with this terrible disease will die.

In the 102d and the 103d Congress, I introduced legislation to increase Federal dollars for ovarian cancer research, and I am pleased that the bill agreed upon in conference is in line with my legislation and will provide for \$75 million for research on ovarian and other reproductive cancers.

Mr. Speaker, this investment in ovarian cancer research gives us hope that one day soon an early detection test will be found, that the

genetic link which causes certain families to be afflicted by ovarian cancer at higher rates, will be identified, and most of all, it gives us hope that future generations of women with ovarian cancer will have a much greater chance of living full, productive, and very long lives.

I urge my colleagues to support the conference report on the National Institutes of Health Revitalization Act so that we can improve the health and lives of the women, men, and children of this country.

Mr. MAZZOLI. Mr. Speaker, as chairman of the Subcommittee on International Law, Immigration, and Refugees, and as a conferee on the provision in the NIH bill regarding the exclusion of HIV-infected aliens, I rise in support of the position taken by the conference committee on that issue.

The provision in the conference report reflects the overwhelming sentiment in both the House and the Senate for retaining the current policy of excluding from the United States aliens infected with the human immunodeficiency virus, HIV.

We do this because of the high costs of caring for AIDS victims and to protect the health of our citizens.

The approach taken by the conference committee was bipartisan and the provision in the report is identical to H.R. 985, a bill introduced by the ranking member of the Subcommittee on International Law, Immigration, and Refugees, Mr. MCCOLLUM.

This provision requires that HIV infection be deemed a communicable disease of public health significance for immigration purposes. By any commonsense understanding, HIV infection is both communicable, and of public health significance.

This provision is the simplest and most direct approach to take on the issue and is fully consistent with the motion to instruct, which passed this body by a vote of 356 to 58.

The provision codifies the current policy that HIV-infected aliens be excluded, without making other unnecessary and complicated changes to our immigration laws.

Current immigration law allows the Attorney General to waive the health-related exclusion ground for nonimmigrants, refugees, and close relatives of citizens and permanent residents.

The Immigration and Nationality Act does not specify the circumstances under which an alien shall be required to undergo a medical examination to determine the existence of an excludable disease, nor does the act specify the circumstances under which an alien seeking admission should be questioned about the alien's medical condition.

Regulations, policies, and practices have developed with regard to waivers of exclusion, testing requirements, and health-related questioning. The conferees, by requiring that HIV be included among the list of excludable diseases until such time as Congress shall remove it, have taken the position that waiver, questioning, and testing decisions should continue to be left to the discretion of the Attorney General. Thus, the conference report does not codify any current policies or practices concerning those authorities.

I commend my fellow conferees for adopting a well-crafted provision.

Ms. HARMAN. Mr. Speaker, I rise today in strong support of the National Institutes of

Health revitalization bill and I commend my colleague from California, HENRY WAXMAN, for his indefatigable work to get this measure enacted.

This bill represents a historic change, the kind of change the people demanded in the last election. It is no coincidence that, in a session where we have doubled the number of women in the House of Representatives, we are about to enact the first NIH authorization that truly recognizes the need to address women's health issue. For years, women have been tragically shortchanged when it came to health research. Breast cancer research has been neglected. Research into gynecological cancers has been neglected. And contraceptive and infertility research has been neglected. With this bill, we begin to end that neglect. For the first time in a decade, we have an administration that is committed to making sure that the diseases that strike at women are given the attention they deserve.

This bill will permanently establish the Office of Research on Women's Health, ensuring that there will always be a voice for women inside NIH. Moreover, there will be an Advisory Committee set up, including outside health and research experts to advise the Office. This Office will also monitor the status of women physicians and scientists at NIH and at NIH-funded institutions and it will carry out appropriate activities to increase the representation of women as senior scientists and physicians.

In addition, the bill substantially increases funding for both basic and clinical research into breast cancer, provides new funding for ovarian and other reproductive cancers, and establishes new contraceptive and infertility research centers. For older women, the bill directs the NIH Director to establish a research program on osteoporosis and related bone disorders. For younger women, there is a study on the general health and well-being of adolescents, which will be coordinated with the women's health initiative.

This measure is long overdue. Many people have worked long and hard to get us to this point. As a woman, a mother, and a daughter, I am proud to cast my vote for this ground-breaking legislation.

Ms. WOOLSEY Mr. Speaker, I rise today to commend my California colleague, Chairman WAXMAN, for his diligent work in crafting this important legislation. This is a much needed initiative, and I urge by colleagues on both sides of the aisle to vote in favor of this conference report.

This legislation makes huge strides toward equity in women's health research. It requires that women and minorities be included in clinical research trials, so that we can be sure that results from the trials are applicable across race and gender. It also permanently establishes the Office of Research on Women's Health at NIH, which will promote the inclusion of women as senior scientists and doctors and will advise NIH on the ground-breaking areas of women's health.

I strongly support the increased funding for research on breast and ovarian cancer, osteoporosis, and infertility which is a key part of this legislation. This funding is crucial to developing a cure for the many millions of women suffering from these illnesses.

This legislation is long overdue, and I urge my colleagues to vote "yes" on final passage.

Mr. KING. Mr. Speaker, I rise to express strong and enthusiastic support for the breast cancer study provisions of the conference report on the National Institutes of Health [NIH] Revitalization Act of 1993 (S. 1). With this measure now on the verge of final passage, I want to commend my colleagues from the Long Island delegation for joining with me in a successful bipartisan effort to address the serious public health threat posed by breast cancer in our home region.

Today, Congress is finally recognizing the hardship inflicted on Long Island women and their families by breast cancer and is beginning efforts to find out why our area has suffered so much from this disease. This legislation specifically singles out Nassau and Suffolk Counties on Long Island for a special in-depth study of the environmental factors that may contribute to breast cancer. The study will be performed by the Nation's top experts at NIH's National Cancer Institute.

While women across the country suffer from breast cancer, the fact is that women in Nassau County face even greater odds of being stricken. Between 1984 and 1988, the breast cancer mortality rate for one group of women in Nassau County was 16 percent higher than that of New York State and 36 percent higher than that of the Nation. It is time for the Federal Government to get more actively involved in the fight against this killer.

Recently, I joined with a number of Members of Congress in sending a letter to President Clinton urging him to support the development of a comprehensive national breast cancer strategy. With 180,000 new cases of breast cancer—and 46,000 deaths—reported last year, we are facing nothing less than a public health emergency.

Mr. Speaker, I look forward to continuing to work closely with the Clinton administration, the experts at NIH, the Long Island delegation, and other Members of the House to aggressively pursue answers to the mysteries of breast cancer. We cannot stop until a cure is found.

Mr. BLACKWELL. Mr. Speaker, I rise in support of S. 1, legislation to reauthorize the National Institutes of Health.

As we all know, we are in the midst of a health care crisis in this country. A crisis that is forcing us to reexamine many of the fundamental principles around which our health care system is built. We are not only doing this because the rising cost of health care is damaging our entire national economy, but also because of the byproducts of our health care system, such as our high infant mortality rates. We spend more on health care than any other country, but the majority of American people are not getting the best possible health care.

Mr. Speaker, not everyone agrees with this conclusion, but, what cannot be disputed, however, is the assertion that the biomedical research community in this country is not equal anywhere in the world. Whenever we hear of another major breakthrough in our fight against diseases, we are likely to find that this research was accomplished in an American research laboratory.

This ground-breaking research is more likely to be supported by one of the foremost lead-

ers in research, the National Institutes of Health. The NIH, Mr. Speaker, is truly the foundation upon which our entire biomedical research community stands, and, for this reason, it is essential that we act decisively to enable this institution to continue its good work.

I would also like to take this opportunity to bring to your attention an organization that has been a partner in the fine work of the National Institutes of Health, the Children's Hospital of Philadelphia, which is located in my district. It is one of the foremost providers of care for children as well as one of our premier pediatric research institutes. Over the years, researchers at the Children's Hospital of Philadelphia have been at the forefront of new and better ways to treat congenital heart defects, premature birth, rubella, mumps, influenza, and other medical problems. Today, these researchers are working on new developments involving cystic fibrosis, leukemia, sickle cell disease, asthma, diabetes, and mental retardation.

Mr. Speaker, one of Children's Hospital of Philadelphia's most recent activities, and an endeavor of which I am particularly proud, is its participation in the human genome project. With support from NIH, the Children's Hospital of Philadelphia has become the world's foremost authority on Chromosomes No. 22, which is often referred to as the Philadelphia Chromosome. Mr. Speaker, several months have passed since the hospital's research made headlines with a new discovery that doctors hope will lead to major improvements in the fight against cancer.

In my opinion, that is what NIH is all about. The private sector cannot generate funds sufficient to support this kind of research. All of the telephone and door-to-door solicitations, bake sales, or raffles cannot generate funds sufficient to support such research.

Only the National Institutes of Health can do so. Only the NIH has consistently had both the good judgment to select these and other worthy projects for further study as well as to allocate the resources with which to support this kind of work.

Mr. Speaker, as a Philadelphian, I have witnessed, time and time again, the life saving care provided by Children's Hospital of Philadelphia.

As an American, I am proud that the research that the hospital has done has improved and saved the lives of children, here and around the world. I cannot think of a more worthy use of our Nation's resources.

Mr. Speaker, as a Member of this House, I urge my colleagues to support the reauthorization of the National Institutes of Health, by voting in favor of S. 1. By doing so, we can reaffirm our commitment to the preservation and improvement of lives everywhere.

Mrs. COLLINS of Illinois. Mr. Speaker, I am very pleased and proud to rise today in support of the conference report of H.R. 4, the National Institutes of Health [NIH] Revitalization Act of 1993. This is a comprehensive landmark bill that finally addresses the needs of most Americans. For years, the NIH focused its funds and research primarily on diseases affecting nonminority males. Meanwhile, the number of women dying of breast cancer was soaring, African-Americans and Hispanic-Americans continued to suffer disproportion-

ately from AIDS, diabetes, glaucoma, and other diseases and the hard, cold reality was that the needs of most Americans were simply not being studied or addressed. With the passage of H.R. 4, however, the NIH will be specifically and fully focused on the areas where America's health is most at risk.

Some of the provisions of H.R. 4 that are particularly important and assure that the NIH's interests are consistent with America's needs are the requirement that all Americans be included in clinical research trials and the required expansion of the National Research Service Awards Program to ensure the inclusion of women and individuals from disadvantaged backgrounds in the field of biomedical and behavioral research.

In addition, H.R. 4 permanently establishes the Office of Research on Women's Health to oversee efforts to improve women's health. The duties of the Office would include serving as a clearinghouse on women's health research, working to increase the number of female senior scientists and physicians at NIH, and to monitor the inclusion of women in clinical trials. To add bite to the bark on our efforts to improve women's health, H.R. 4 would provide key increases in funding for research on breast, ovarian, and cervical cancers, osteoporosis, and reproductive health.

I am also particularly pleased that H.R. 4 includes a provision which was added by my amendment in the Energy and Commerce Committee that institutionalizes an Office on Minority Health within the Office of the Director of NIH. The establishment of this Office ensures that the health of minorities will receive increased research and enhanced attention.

Increased concern about the health of minorities is critical to closing the gap between the health of minorities and nonminorities in America. The mortality rate of many diseases, such as heart disease, strokes, diabetes, liver cirrhosis, breast cancer, and glaucoma are significantly higher in the minority community. Yet, the reasons for this are not clear. Life-styles may play a role in the high mortality rate but scientific, multidisciplinary studies must be done to determine the underlying medical cause of these disparate rates of disease. Although there have already been some studies done on minority-prone diseases, it is crucial that NIH, our premiere national research institution with the capability for real progress, takes the lead on this research. The establishment of the Office on Minority Health will ensure exactly this and begin to close the horrifying mortality gap for minorities.

Mr. Speaker, for the reasons I just mentioned, and for many others, I heartily support H.R. 4. Despite my opposition to the codification of the unfair ban on the permanent admission of individuals infected with the AIDS virus, I urge my colleagues to join me and vote for H.R. 4.

Ms. DELAURO. Mr. Speaker, today, the House takes the final step in the long road to passing a strong NIH reauthorization bill. The conference report on S. 1 authorizes research which has the potential to save the lives of thousands of men, women, and children. Intensified research efforts will be specifically authorized for childhood vaccines, osteoporosis, prostate cancer, AIDS, and breast, cervical, and ovarian cancer.

For years, women's health concerns have been systematically ignored. Often overlooked by researchers and left out of clinical trials, women are suffering and dying because not enough has been done in the past to find cures or treatments for the diseases that afflict them. Therefore, I believe the conference report's provisions for women's health research are an important and integral part of this legislation. When this bill becomes law, the NIH will be required, except in certain circumstances, to include women and minorities in NIH-funded research projects.

I believe so strongly in the need to include women in this research because I have experienced past neglect first hand. By chance, I was diagnosed with ovarian cancer, and by luck I survived a disease that kills 13,000 women in this country each year. Since then, I have joined other women with similar experiences, and Members of Congress in working to make certain that women's health concerns are a central component of our national health care debate.

This bill makes important strides in redressing past neglect of research into diseases that specifically strike women. It authorizes \$225 million for basic breast cancer research, \$100 million for breast cancer detection and prevention, and \$75 million for gynecological cancer research.

We cannot continue to ignore the diseases that affect our daughters and mothers. We must heighten awareness that the diseases affecting women have to be understood, analyzed, and treated with the same care and diligence with which we fight all other diseases. The bill helps to do that. It puts some balance into medical research, and provides millions of American women with the hope that their medical needs may be met.

We must invest in research if we are to have healthier children and families. We must make the commitment today so that we save lives and precious health care dollars tomorrow. I urge my colleagues to support this conference report.

Mrs. MALONEY. Mr. Speaker, I rise in support of the conference report on S. 1, the bill to reauthorize the important programs funded by the National Institutes of Health.

Frankly, Mr. Speaker, I have mixed feelings about the final version of this bill. On the one hand, the legislation authorizes generous levels of funding for a number of critical health initiatives, particularly programs affecting women. On the other hand, the conference report leaves largely intact the language inserted by the Senate which codifies the ban on the admission into the United States of immigrants with the HIV virus.

First, let me commend the gentleman from California, Chairman HENRY WAXMAN, on putting together a bill which makes enormous progress in several key areas. As the mother of two young daughters, I don't want them to grow up as I did, as my generation did—basically in the dark about the major health risks women face.

That's why I am pleased that the conference agreement retains \$335 million for increased breast cancer research and \$75 million for gynecological research. The bill also permanently establishes the Office of Research on Women's Health which will help ensure Fed-

eral support of women's health research projects.

In addition, I strongly support the funding contained in the bill for prostate cancer research, AIDS research, and the National Heart, Lung, and Blood Institute, and National Institute on Aging.

Mr. Speaker, when H.R. 4 passed the House on March 10, there was a great deal of concern in this body about language passed by the Senate concerning the admission of HIV-infected individuals into the country. The Senate provision would have placed a near-total ban on the admission of HIV-positive people except where the Attorney General granted a waiver of 30 days or less to a traveler visiting our country.

In my view, the Senate language was unacceptable. It codifies a policy, enacted in the Reagan administration, which is universally opposed by public health officials, including both Republican and Democratic Secretaries of Health and Human Services. To single out HIV-infected people as the only individuals with a disease statutorily banned from our country is, in my mind, an exercise in demagoguery and discrimination.

Chairman WAXMAN did the best he could in the conference committee to change the Senate language, and thanks to him, some small steps in the right direction were achieved. The conference report allows the Attorney General to grant waivers from this exclusion to HIV-positive visitors to our country for up to 6 months. Waivers may also be given to permanent immigrants with the HIV virus if they have immediate family members in the United States.

Mr. Speaker, I support the NIH reauthorization bill because offers so much hope for so many sick people. But I cannot support the ban on HIV-positive immigration, and I sincerely hope that the day will come when this inhumane policy will be reversed.

Mr. WAXMAN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

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

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 290, nays 130, not voting 12, as follows:

[Roll No. 178]

YEAS—290

Abercrombie	Baessler	Bilbray
Ackerman	Barlow	Bishop
Andrews (ME)	Barrett (WI)	Blute
Andrews (NJ)	Becerra	Boehert
Andrews (TX)	Beilenson	Bonilla
Applegate	Bentley	Borski
Bacchus (FL)	Bevill	Boucher

Brewster	Horn	Payne (VA)	Bartlett	Hancock	Peterson (MN)
Brooks	Houghton	Pelosi	Barton	Hansen	Petri
Browder	Hoyer	Penny	Bateman	Hasert	Pombo
Brown (CA)	Huffington	Peterson (FL)	Bereuter	Hayes	Portman
Brown (FL)	Hughes	Pickett	Bilirakis	Hefley	Poshard
Brown (OH)	Inglee	Pickle	Bliley	Herger	Quillen
Bryant	Jacobs	Pomeroy	Boehner	Hoekstra	Quinn
Byrne	Jefferson	Porter	Bunning	Hoke	Rahall
Cantwell	Johnson (CT)	Price (NC)	Burton	Hunter	Ravenel
Cardin	Johnson (GA)	Pryce (OH)	Buyer	Hutchinson	Roberts
Carr	Johnson (SD)	Ramstad	Callahan	Hutto	Rogers
Chapman	Johnson, E. B.	Rangel	Calvert	Hyde	Rogers
Clay	Johnston	Reed	Camp	Inglis	Rohrabacher
Clayton	Kanjorski	Regula	Canady	Inhofe	Ros-Lehtinen
Clement	Kaptur	Reynolds	Castle	Istook	Roth
Clyburn	Kennedy	Richardson	Clinger	Johnson, Sam	Royce
Coleman	Kennelly	Ridge	Coble	Kasich	Santorum
Collins (IL)	Kildee	Rose	Collins (GA)	King	Saxton
Collins (MI)	Kim	Rostenkowski	Combest	Kingston	Schaefer
Condit	Kleczka	Roukema	Cox	Knollenberg	Sensenbrenner
Cooper	Klein	Rowland	Crane	Kyl	Skeen
Coppersmith	Klink	Roybal-Allard	Crapo	Lightfoot	Skelton
Costello	Klug	Rush	Cunningham	Linder	Smith (MI)
Coyne	Kolbe	Sabo	de la Garza	Livingston	Smith (NJ)
Cramer	Kopetski	Sanders	DeLay	Manzullo	Smith (OR)
Danner	Kreidler	Sangmeister	Diaz-Balart	McCandless	Solomon
Darden	LaFalce	Sarpallus	Dickey	McCollum	Stearns
Deal	Lambert	Sawyer	Doolittle	McCrery	Stump
DeFazio	Lancaster	Schenk	Dornan	McDade	Sundquist
DeLauro	Lantos	Schiff	Dreier	McKeon	Talent
Dellums	LaRocco	Schroeder	Duncan	Mica	Tauzin
Derrick	Laughlin	Schumer	Emerson	Michel	Taylor (MS)
Deutsch	Lazio	Scott	Everett	Mollohan	Taylor (NC)
Dicks	Lehman	Serrano	Ewing	Moorhead	Volkmer
Dingell	Levin	Sharp	Fields (TX)	Murphy	Vucanovich
Dixon	Levy	Shaw	Gingrich	Myers	Walker
Dooley	Lewis (FL)	Shays	Goodlatte	Nussle	Weldon
Dunn	Lewis (GA)	Shepherd	Goodling	Ortiz	Wolf
Durbin	Lipinski	Shuster	Goss	Oxley	Young (FL)
Edwards (CA)	Lloyd	Sisisky	Grams	Packard	
Edwards (TX)	Long	Skaggs	Hall (OH)	Paxon	
English (AZ)	Lowey	Slattery			
English (OK)	Machtley	Slaughter			
Eshoo	Maloney	Smith (IA)	Berman	Engel	Lewis (CA)
Evans	Malone	Smith (TX)	Blackwell	Henry	Thompson
Fawell	Mann	Snowe	Bonior	Hilliard	Whitten
Fazio	Manton	Spence	Conyers	Leach	Williams
Fields (LA)	Margolies-	Spratt			
Filner	Mezvinsky	Stark			
Fingerhut	Markey	Stenholm			
Fish	Martinez	Stokes			
Flake	Matsui	Strickland			
Foglietta	Mazzoli	Studds			
Ford (MI)	McCloskey	Stupak			
Ford (TN)	McCurdy	Swett			
Fowler	McDermott	Swift			
Frank (MA)	McHale	Synar			
Frank (CT)	McHugh	Tanner			
Frank (NJ)	McInnis	Tejeda			
Frost	McKinney	Thomas (CA)			
Furse	McMillan	Thomas (WY)			
Galleghy	McNulty	Thornton			
Gallo	Meehan	Thurman			
Gejdenson	Meek	Torkildsen			
Gekas	Menendez	Torres			
Gephardt	Meyers	Torricelli			
Geren	Mfume	Towns			
Gibbons	Miller (CA)	Trafficant			
Gilchrist	Miller (FL)	Tucker			
Gillmor	Mineta	Unsold			
Gilman	Minge	Upton			
Glickman	Mink	Valentine			
Gonzalez	Moakley	Velazquez			
Gordon	Molinari	Vento			
Grandy	Montgomery	Visclosky			
Green	Moran	Walsh			
Greenwood	Morella	Washington			
Gunderson	Murtha	Waters			
Gutierrez	Nadler	Watt			
Hall (TX)	Natcher	Waxman			
Hamburg	Neal (MA)	Wheat			
Hamilton	Neal (NC)	Wilson			
Harman	Oberstar	Wise			
Hastings	Obey	Woolsey			
Hefner	Olver	Wyden			
Hinchee	Orton	Wynn			
Hoagland	Owens	Yates			
Hobson	Pallone	Young (AK)			
Hochbrueckner	Parker	Zeliff			
Holden	Pastor	Zimmer			
	Payne (NJ)				

There was no objection.

CONTINUATION OF EMERGENCY WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO)—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103-91)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) is to continue in effect beyond May 30, 1993, to the Federal Register for publication.

The circumstances that led to the declaration on May 30, 1992, of a national emergency have not been resolved. The Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to support groups seizing and attempting to seize territory in the Republics of Croatia and Bosnia-Herzegovina by force and violence. The actions and policies of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) pose a continuing unusual and extraordinary threat to the national security, vital foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to reduce its ability to support the continuing civil strife and bloodshed in the former Yugoslavia.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 25, 1993.

REPORT ON ADMINISTRATION ACTIONS AND EXPENSES RELATING TO EXERCISE OF POWERS AND AUTHORITIES AND SANCTIONS AGAINST FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO)—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103-92)

The SPEAKER pro tempore laid before the House the following message

NOT VOTING—12

Berman	Engel	Lewis (CA)
Blackwell	Henry	Thompson
Bonior	Hilliard	Whitten
Conyers	Leach	Williams

□ 1420

Mr. DICKEY and Mr. ORTIZ changed their vote from "yea" to "nay."

Mr. OWENS changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ENGEL. Mr. Speaker, I was unavoidably detained and missed rollcall vote 178 on the conference report on re-authorizing the National Institutes of Health. Had I been present, I would have voted "yea".

PERMISSION FOR COMMITTEE ON THE BUDGET TO FILE PRIVILEGED REPORT ON THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993

Mr. SABO. Mr. Speaker, I ask unanimous consent that the Committee on the Budget have until midnight tonight to file a privileged report on the Omnibus Budget Reconciliation Act of 1993.

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

NAYS—130

Allard	Bachus (AL)	Ballenger
Archler	Baker (CA)	Barcia
Armey	Baker (LA)	Barrett (NE)

from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

On May 30, 1992, in Executive Order No. 12808, President Bush declared a national emergency to deal with the threat to the national security, foreign policy, and economy of the United States arising from actions and policies of the Governments of Serbia and Montenegro, acting under the name of the Socialist Federal Republic of Yugoslavia or the Federal Republic of Yugoslavia, in their involvement in and support for groups attempting to seize territory in Croatia and Bosnia-Herzegovina by force and violence utilizing, in part, the forces of the so-called Yugoslav National Army (57 FR 23299, June 2, 1992). The present report is submitted pursuant to 50 U.S.C. 1641(c) and 1703(c). It discusses Administration actions and expenses directly related to the exercise of powers and authorities conferred by the declaration of a national emergency in Executive Order No. 12808 and to expanded sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) (the "FRY (S/M)") contained in Executive Order No. 12810 of June 5, 1992 (57 FR 24347, June 9, 1992), Executive Order No. 12831 of January 15, 1993 (58 FR 5253, January 21, 1993), and Executive Order No. 12846 of April 26, 1993 (58 FR 25771, April 27, 1993).

1. Executive Order No. 12808 blocked all property and interests in property of the Governments of Serbia and Montenegro, or held in the name of the former Government of the Socialist Federal Republic of Yugoslavia or the Government of the Federal Republic of Yugoslavia, then or thereafter located in the United States or within the possession or control of U.S. persons, including their overseas branches.

Subsequently, Executive Order No. 12810 expanded U.S. actions to implement in the United States the U.N. sanctions against the FRY (S/M) adopted in United Nations Security Council Resolution No. 757 of May 30, 1992. In addition to reaffirming the blocking of FRY (S/M) Government property, this order prohibits transactions with respect to the FRY (S/M) involving imports, exports, dealing in FRY-origin property, air and sea transportation, contract performance, funds transfers, activity promoting importation or exportation or dealings in property, and official sports, scientific, technical, or cultural representation of the FRY (S/M) in the United States.

Executive Order No. 12810 exempted from trade restrictions (1) transshipments through the FRY (S/M), and (2) activities related to the United Nations Protection Force ("UNPROFOR"), the Conference on

Yugoslavia, or the European Community Monitor Mission.

On January 15, 1993, President Bush issued Executive Order No. 12831 to implement new sanctions contained in United Nations Security Council Resolution No. 787 of November 16, 1992. The order revokes the exemption for transshipments through the FRY (S/M) contained in Executive Order No. 12810; prohibits transactions within the United States or by a U.S. person relating to FRY (S/M) vessels and vessels in which a majority or controlling interest is held by a person or entity in, or operating from, the FRY (S/M), and states that all such vessels shall be considered as vessels of the FRY (S/M), regardless of the flag under which they sail. Executive Order No. 12831 also delegates discretionary authority to the Secretary of the Treasury, in consultation with the Secretary of State, to prohibit trade and financial transactions involving any areas of the former Socialist Federal Republic of Yugoslavia as to which there is inadequate assurance that such transactions will not be diverted to the benefit of the FRY (S/M).

On April 26, 1993, I issued Executive Order No. 12846 to implement in the United States the sanctions adopted in United Nations Security Council Resolution No. 820 of April 17, 1993. That resolution called on the Bosnian Serbs to accept the Vance-Owen peace plan for Bosnia-Herzegovina and, if they failed to do so by April 26, called on member states to take additional measures to tighten the embargo against the FRY (S/M) and Serbian-controlled areas of Croatia and Bosnia-Herzegovina.

Effective 12:01 a.m. e.d.t., April 26, 1993, Executive Order No. 12846: (1) blocks all property and interests in property of businesses organized or located in the FRY (S/M), including the property of their U.S. and other foreign subsidiaries, that are in or later come within the United States or the possession or control of U.S. persons, including their overseas branches; (2) confirms the charging to the owners or operators of property blocked under this order or Executive Orders No. 12808, No. 12810, or No. 12831 all expenses incident to the blocking and maintenance of such property, requires that such expenses be satisfied from sources other than blocked funds, and permits such property to be sold and the proceeds (after payment of expenses) placed in a blocked account; (3) orders (a) the detention pending investigation of all nonblocked vessels, aircraft, freight vehicles, rolling stock, and cargo within the United States suspected of violating United Nations Security Council Resolutions No. 713, No. 757, No. 787, or No. 820, and (b) the blocking of such conveyances or cargo if a violation is determined to have been committed, and permits the liquidation of such

blocked conveyances or cargo and the placing of the proceeds into a blocked account; (4) prohibits any vessel registered in the United States, or owned or controlled by U.S. persons, other than U.S. naval vessels, from entering the territorial waters of the FRY (S/M); and (5) prohibits U.S. persons from engaging in any transactions relating to the shipment of goods to, from, or through United Nations Protected Areas in the Republic of Croatia and areas in the Republic of Bosnia-Herzegovina under the control of Bosnian Serb forces.

Executive Order No. 12846 authorizes the Secretary of the Treasury in consultation with the Secretary of State to take such actions, and to employ all powers granted to me by the authorities cited above, as may be necessary to carry out the purposes of that order. The sanctions imposed in the order do not invalidate existing licenses or authorizations issued pursuant to Executive Orders No. 12808, No. 12810, or No. 12831 except as those licenses and authorizations may thereafter be terminated, suspended, or modified by the issuing Federal agencies, but otherwise the sanctions apply notwithstanding any preexisting contracts, international agreements, licenses, or authorizations.

2. The declaration of the national emergency on May 30, 1992, was made pursuant to the authority vested in the President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the National Emergencies Act (50 U.S.C. 1601 et seq.), and section 301 of title 3 of the United States Code. The emergency declaration was reported to the Congress on May 30, 1992, pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)). The additional sanctions set forth in Executive Orders No. 12810, No. 12831, and No. 12846 were imposed pursuant to the authority vested in the President by the Constitution and laws of the United States, including the statutes cited above, section 1114 of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1514), and section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c).

3. Since the last report, the Office of Foreign Assets Control of the Department of the Treasury ("FAC"), in consultation with the Department of State and other Federal agencies, issued the Federal Republic of Yugoslavia (Serbia and Montenegro) Sanctions Regulations, 31 C.F.R. Part 585 (58 FR 13199, March 10, 1993—the "Regulations"), to implement the prohibitions contained in Executive Orders No. 12808, No. 12810, and No. 12831. A copy of the Regulations is enclosed with this report. The seven general licenses discussed in the last report were incorporated into the Regulations. The Regulations contain

general licenses for certain transactions incident to: the receipt or transmission of mail and informational materials and for telecommunications transmissions between the United States and the FRY (S/M); the importation and exportation of diplomatic pouches; certain transfers of funds or other financial or economic resources for the benefit of individuals located in the FRY (S/M); the importation and exportation of household and personal effects of persons arriving from or departing to the FRY (S/M); transactions related to nonbusiness travel by U.S. persons to, from, and within the FRY (S/M); and transactions involving secondary-market trading in debt obligations originally incurred by banks organized in Slovenia, Croatia, Bosnia-Herzegovina, and Macedonia.

On January 15, 1993, FAC issued General Notice No. 2, entitled "Notification of Status of Yugoslav Entities." A copy of the notice is attached. The list is composed of government, financial, and commercial entities organized in Serbia or Montenegro and a number of foreign subsidiaries of such entities. The list is illustrative of entities covered by FAC's presumption, stated in the notice, that all entities organized or located in Serbia or Montenegro, as well as their foreign branches and subsidiaries, are controlled by the Government of the FRY (S/M) and thus subject to the blocking provisions of the Executive orders. General Notice No. 2, which includes more than 400 entities, expands and incorporates the list of 284 entities identified in General Notice No. 1 (57 FR 32051, July 20, 1992), noted in the previous report.

As part of a U.S.-led allied effort to tighten economic sanctions against Yugoslavia, on March 11, 1993, FAC named 25 maritime firms and 55 ships controlled by these firms as "Specially Designated Nationals" ("SDNs") of Yugoslavia. A copy of General Notice No. 3 is attached. These shipping firms and the vessels they own, manage, or operate by using foreign front companies, changing vessel names, and re-flagging ships, are presumed to be owned or controlled by or to be acting on behalf of the Government of the FRY (S/M). In addition, pursuant to Executive Order No. 12846, the property within U.S. jurisdiction of these firms is blocked as direct or indirect property interests of firms organized or located in the FRY (S/M).

The FRY (S/M) has continued to operate its maritime fleet and trade in violation of the international economic sanctions mandated by United Nations Security Council Resolutions No. 757 and No. 787. Operations and activities by Yugoslav front companies, or SDNs, enable the Government of the FRY (S/M) to circumvent the international trade embargo. The effect of FAC's SDN designation is to identify agents and property of the Government of the

FRY (S/M), and property of entities organized or located in the FRY (S/M), and thus to extend the applicability of the regulatory prohibitions governing transactions with the Government of the FRY (S/M) and its nationals by U.S. persons to these designated individuals and entities wherever located, irrespective of nationality or registration. U.S. persons are prohibited from engaging in any transaction involving property in which an SDN has an interest, which includes all financial and trade transactions. All SDN property within the jurisdiction of the United States (including financial assets in U.S. bank branches overseas) is blocked.

The two court cases in which the blocking authority was challenged as applied to FRY (S/M) subsidiaries and vessels in the United States remain pending at this time. In one case, the plaintiffs have challenged the application of Executive Order No. 12846, and the challenge remains to be resolved. The other case is presently pending before a U.S. Court of Appeals.

4. Over the past 6 months, the Departments of State and the Treasury have worked closely with European Community (the "EC") member states and other U.N. member nations to coordinate implementation of the sanctions against the FRY (S/M). This has included visits by assessment teams formed under the auspices of the United States, the EC, and the Conference for Security and Cooperation in Europe (the "CSCE") to states bordering on Serbia and Montenegro; deployment of CSCE sanctions assistance missions ("SAMS") to Albania, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Hungary, Romania, and Ukraine to assist in monitoring land and Danube River traffic; bilateral contacts between the United States and other countries with the purpose of tightening financial and trade restrictions on the FRY (S/M); and establishment of a mechanism to coordinate enforcement efforts and to exchange technical information.

5. In accordance with licensing policy and the Regulations, FAC has exercised its authority to license certain specific transactions with respect to the FRY (S/M) that are consistent with the Security Council sanctions. During the reporting period, FAC has issued 163 specific licenses regarding transactions pertaining to the FRY (S/M) or assets it owns or controls, bringing the total as of April 30, 1993, to 426. Specific licenses have been issued for (1) payment to U.S. or third-country secured creditors, under certain narrowly defined circumstances, for pre-embargo import and export transactions; (2) for legal representation or advice to the Government of the FRY (S/M) or FRY (S/M)-controlled clients; (3) for restricted and closely monitored operations by subsidiaries of FRY (S/M)-controlled firms

located in the United States; (4) for limited FRY (S/M) diplomatic representation in Washington and New York; (5) for patent, trademark and copyright protection, and maintenance transactions in the FRY (S/M) not involving payment to the FRY (S/M) Government; (6) for certain communications, news media, and travel-related transactions; (7) for the payment of crews' wages and vessel maintenance of FRY (S/M)-controlled ships blocked in the United States; (8) for the removal from the FRY (S/M) of manufactured property owned and controlled by U.S. entities; and (9) to assist the United Nations in its relief operations and the activities of the U.N. Protection Force. Pursuant to United Nations Security Council Resolutions No. 757 and No. 760, specific licenses have also been issued to authorize exportation of food, medicine, and supplies intended for humanitarian purposes in the FRY (S/M).

During the past 6 months, FAC has continued to closely monitor 15 U.S. subsidiaries of entities organized in the FRY (S/M) that were blocked as entities owned or controlled by the Government of the FRY (S/M). Treasury agents performed on-site audits and reviewed numerous reports submitted by the blocked subsidiaries. Subsequent to the issuance of Executive Order No. 12846, operating licenses issued for U.S.-located Serbian or Montenegrin subsidiaries or joint ventures were revoked and the U.S. entities closed for business.

The Board of Governors of the Federal Reserve Board and the New York State Banking Department again worked closely with FAC with regard to two Serbian banking institutions in New York that were closed on June 1, 1992. Full-time bank examiners continue to be posted in their offices to ensure that banking records are appropriately safeguarded.

During the past 6 months, U.S. financial institutions have continued to block funds transfers in which there is an interest of the Government of the FRY (S/M). Such transfers have accounted for an additional \$24.5 million in blocked Yugoslav assets since the issuance of Executive Order No. 12808.

To ensure compliance with the terms of the licenses that have been issued under the program, stringent reporting requirements are imposed. Some 350 submissions were reviewed since the last report, and more than 150 compliance cases are currently open. In addition, licensed bank accounts are regularly audited by FAC compliance personnel and by cooperating auditors from other regulatory agencies.

6. Since the issuance of Executive Order No. 12810, FAC has worked closely with the U.S. Customs Service to ensure both that prohibited imports and exports (including those in which the Government of the FRY (S/M) has an interest) are identified and interdicted,

and that permitted imports and exports move to their intended destination without undue delay. Violations and suspected violations of the embargo are being investigated, and appropriate enforcement actions are being taken. There are currently 39 cases under active investigation.

7. The expenses incurred by the Federal Government in the 6-month period from December 1, 1992, through May 30, 1993, that are directly attributable to the authorities conferred by the declaration of a national emergency with respect to the FRY (S/M) are estimated at \$2.9 million, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in FAC and its Chief Counsel's Office and the U.S. Customs Service), the Department of State, the National Security Council, the U.S. Coast Guard, and the Department of Commerce.

8. The actions and policies of the Government of the FRY (S/M), in its involvement in and support for groups attempting to seize and hold territory in Croatia and Bosnia-Herzegovina by force and violence, continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. The United States remains committed to a multilateral resolution of this crisis through its actions implementing the binding resolutions of the United Nations Security Council with respect to the FRY (S/M). I shall continue to exercise the powers at my disposal to apply economic sanctions against the FRY (S/M) as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON,

THE WHITE HOUSE, May 25, 1993.

COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Sergeant at Arms of the House:

WASHINGTON, DC,
May 24, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House that I have received subpoenas for grand juries issued to an employee of the Office of the Sergeant at Arms by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I will make the determinations required by the Rule.

Sincerely,

WERNER W. BRANDT,
Sergeant at Arms.

RESOLUTION AUTHORIZING THE USE OF UNITED STATES ARMED FORCES IN SOMALIA

The SPEAKER pro tempore. Pursuant to House Resolution 173 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of Senate Joint Resolution 45.

□ 1423

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the Senate joint resolution (S.J. Res. 45) authorizing the use of United States Armed Forces in Somalia, with Mr. DARDEN in the chair.

The Clerk read the title for the Senate joint resolution.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, May 20, 1993, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the joint resolution is considered as an original joint resolution for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

S.J. RES. 45

Resolved by the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Resolution Authorizing the Use of United States Armed Forces in Somalia".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds the following:

(1) An estimated 300,000 Somalis have died as a result of hunger and widespread violence since the fall of Siad Barre in January 1991.

(2) On December 3, 1992, the United Nations Security Council adopted Resolution 794 in which the Security Council—

(A) determined that "the magnitude of the human tragedy caused by the conflict in Somalia, further exacerbated by the obstacles being created to the distribution of humanitarian assistance, constitutes a threat to international peace and security", and

(B) acting under Chapter VII of the Charter of the United Nations, authorized the use of "all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia".

(3) United States Armed Forces entered Somalia on December 9, 1992, in response to Security Council Resolution 794.

(4) The United Nations Secretary General concluded in his report of March 3, 1993, that without improved security throughout Somalia "the political process cannot prosper and humanitarian relief operations will remain vulnerable to disruption".

(5) The Secretary General recommended in his report that the United Nations Security Council adopt a resolution effecting the transition from the United States-led force in Somalia to a United Nations-led force, with the formal date of transfer of command to be May 1, 1993.

(6) The Secretary General's report envisioned a United Nations-led force having a multinational military component of 20,000 personnel, plus an additional 8,000 personnel to provide logistic support.

(7) On March 26, 1993, the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, adopted Resolution 814 in response to the Secretary General's report. This resolution provides for the establishment of the United Nations-led force in Somalia by expanding the size and mandate of the original United Nations peacekeeping force in Somalia (commonly referred to as "UNOSOM") in accordance with the recommendations contained in the report of the Secretary General.

(8) United States Armed Forces will participate in the United Nations-led force in Somalia as part of the multinational logistic support contingent, providing logistical, communications, and intelligence support.

(9) In addition to logistic forces, the United States will make available a battalion-sized tactical quick reaction force to respond to requests for emergency assistance from the United Nations Force Commander in Somalia. This quick reaction force will be under United States operational control.

(10) The transfer of operations in Somalia from the United States-led force to the United Nations-led force will result in a substantial reduction in the number of members of the United States Armed Forces that are deployed in Somalia and in the costs incurred by the United States as a result of United Nations-authorized operations in Somalia.

(11) The Congress should authorize any use of United States Armed Forces to implement United Nations Security Council Resolutions 794 and 814.

(12) By providing such an authorization, the Congress will facilitate the transfer of operations in Somalia from the United States-led force to the United Nations-led force.

(13)(A) The Congress does not anticipate that United States Armed Forces will need to remain in Somalia for more than 12 months after the date of enactment of this joint resolution to implement United Nations Security Council Resolution 814.

(B) Given the importance of the mission of the United Nations-led force in Somalia, however, the Congress will give strong consideration to extending the authorization for the use of United States Armed Forces to implement Resolution 814 should such continued use be necessary to ensure the success of the United Nations-led force in Somalia.

SEC. 3. SUPPORT FOR UNITED NATIONS EFFORTS IN SOMALIA.

The Congress supports United Nations efforts in Somalia—

(1) to help provide a secure environment for famine relief efforts;

(2) to prevent a resumption of violence;

(3) to help restore peace, stability, and order through reconciliation, rehabilitation, and reconstruction of Somali society; and

(4) to help the people of Somalia create and maintain democratic institutions for their own governance.

SEC. 4. AUTHORIZATION FOR USE OF ARMED FORCES.

(a) IMPLEMENTATION OF SECURITY COUNCIL RESOLUTIONS.—The President is authorized to use United States Armed Forces to implement United Nations Security Council Resolutions 794 (1992) and 814 (1993), including the use of such Armed Forces—

(1) to carry out operations under the authorization provided by United Nations Security Council Resolution 794 (1992) until the

transition to the United Nations-led force in Somalia is completed;

(2) to provide logistic and related support for the United Nations-led force in Somalia under the authorization provided by United Nations Security Council Resolution 814 (1993); and

(3) to serve as a tactical quick reaction force, under United States operational control, to respond to requests for emergency assistance from the United Nations Force Commander in Somalia.

(b) STATEMENTS OF INTENT REQUIRED BY WAR POWERS RESOLUTION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that subsection (a) is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution to the extent that any United States Armed Forces being used for the purposes described in subsection (a) are or become involved in hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances.

(c) EXPIRATION OF AUTHORIZATIONS.—The authorizations provided by subsection (a) shall expire at the earlier of—

(1) the end of the 12-month period beginning on the date of enactment of this joint resolution, unless the Congress finds that continued participation by the United States Armed Forces is necessary to ensure the success of the United Nations-led force in Somalia and extends the period of such authorizations; or

(2) the expiration of the mandate of the United Nations-led force in Somalia.

SEC. 5. REPORTS REGARDING USE OF UNITED STATES ARMED FORCES.

(a) PERIODIC REPORTS.—

(1) INFORMATION TO BE PROVIDED.—The President shall submit periodic reports to the Congress with respect to United States Armed Forces participation in and support for the United Nations-led force in Somalia. Each such report shall—

(A) specify the number of members of the United States Armed Forces participating in the United Nations-led force in Somalia or operating in support of that force;

(B) specify where United States Armed Forces are deployed as part of the United Nations-led force in Somalia and where United States Armed Forces are deployed that are operating in support of that force;

(C) specify the functions being performed by United States Armed Forces participating in the United Nations-led force in Somalia;

(D) specify the functions of United States Armed Forces operating as a tactical quick reaction force in support of the United Nations-led force in Somalia, and describe any use of United States Armed Forces as a quick reaction force;

(E) specify the command arrangements applicable with respect to United States Armed Forces participating in the United Nations-led force in Somalia or operating in support of that force; and

(F) specify the anticipated duration of the deployment of United States Armed Forces as part of the United Nations-led force in Somalia or in support of that force.

(2) REPORTING DATES AND PERIOD COVERED BY EACH REPORT.—A report pursuant to this subsection shall be submitted—

(A) not later than July 1, 1993, covering the period since March 3, 1993; and

(B) not later than July 1, 1994, covering the period since the preceding report pursuant to this subsection.

(3) WAR POWERS RESOLUTION REPORTING REQUIREMENTS.—The requirements of this sub-

section do not supersede the requirements of section 4 of the War Powers Resolution.

(b) REPORT ON TRANSITION TO UN-LED FORCE.—The first report submitted pursuant to subsection (a) shall specify the number of members of the United States Armed Forces, if any, remaining in Somalia as part of the United States-led force in Somalia.

(c) AGREEMENTS WITH UNITED NATIONS.—The President shall transmit promptly to the Congress a copy of any memorandum of understanding or other written agreement entered into by the United States with the United Nations Security Council, the Secretary General of the United Nations (or his Special Representative), or the United Nations Force Commander in Somalia—

(1) regarding the participation of United States Armed Forces in the United Nations-led force in Somalia;

(2) regarding United States Armed Forces operating as a tactical quick reaction force in support of that force or otherwise in support of that force; or

(3) otherwise regarding the availability to the United Nations Security Council of United States Armed Forces, assistance, or facilities to implement Security Council Resolution 794 or 814.

SEC. 6. REPORTS ON COSTS OF UNITED NATIONS-AUTHORIZED OPERATIONS IN SOMALIA.

(a) REQUIREMENT FOR PERIODIC REPORTS.—The President shall submit to the Congress periodic reports regarding the costs of the United States-led force in Somalia and the United Nations-led force in Somalia.

(b) INFORMATION ON COSTS AND OTHER CONTRIBUTIONS.—Each report pursuant to this section shall specify (to the extent such information is available to the United States)—

(1) the amount of the incremental costs incurred by the United States as the result of its participation in the United States-led force in Somalia or as the result of its participation in or military operations in support of the United Nations-led force in Somalia;

(2) the amount of other in-kind or financial contributions pledged, and the amount of such contributions made, by each participating country toward the costs associated with the United States-led force in Somalia and the United Nations-led force in Somalia, including contributions to the United Nations Trust Fund for Somalia and excluding amounts reported pursuant to paragraph (3);

(3) the amount assessed by the United Nations to the United States and each other country for its contributions to the costs associated with the United Nations-led force in Somalia;

(4) the amount received by the United States and each other country as reimbursement from the United Nations, including reimbursements from the United Nations Trust Fund for Somalia, as the result of its participation in the United States-led force in Somalia; and

(5) the amount received by the United States and each other country as credit against an assessment described in paragraph (3) from the United Nations for costs that it incurred as the result of its participation in or military operations in support of the United Nations-led force in Somalia.

(c) REIMBURSEMENT OF COSTS INCURRED BY THE UNITED STATES IN SOMALIA.—It is the sense of the Congress that the President should seek to ensure that incremental costs incurred by the United States in connection with the United States-led force in Somalia and in connection with the United Nations-

led force in Somalia are reimbursed to the maximum extent possible by the United Nations and other members of the international community. Each report pursuant to this section shall review all actions taken by the United States to achieve this objective.

(d) REPORTING DATES AND PERIOD COVERED BY EACH REPORT.—A report pursuant to this section shall be submitted—

(1) not later than 1 month after the date of enactment of this joint resolution, covering the period ending on the last day of the penultimate month preceding the enactment of this joint resolution; and

(2) not later than 12 months and 24 months after that date, covering the 12-month period following the period covered by the preceding report pursuant to this section and also providing cumulative information.

SEC. 7. DEFINITIONS.

As used in this joint resolution—

(1) the term "United Nations Force Commander in Somalia" means the commander appointed by the Secretary General of the United Nations to command the United Nations-led force in Somalia;

(2) the term "United Nations-led force in Somalia" means the expanded force (commonly referred to as "UNOSOM II") authorized by paragraph 5 of United Nations Security Council Resolution 814 (1993);

(3) the term "United Nations Trust Fund for Somalia" means the trust fund established and maintained pursuant to United Nations Security Council Resolutions 794 and 814; and

(4) the term "United States-led force in Somalia" means the force (commonly referred to as the "Unified Task Force" or "UNITAF") authorized by United Nations Security Council Resolution 794 (1992).

Amend the title so as to read: "Joint Resolution to authorize the use of United States Armed Forces in Somalia to implement United Nations Security Council Resolutions 794 (1992) and 814 (1993)."

The CHAIRMAN. No amendment to the substitute is in order except those amendments printed in House Report 103-97. Each amendment shall be considered in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall not be subject to amendment, except that pro forma amendments for the purpose of debate may be offered by the chairman and ranking minority member of the Committee on Foreign Affairs, and shall not be subject to a demand for a division of the question. Debate on each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

The Chair will announce the number of the amendment made in order by the rule in order to give notice to the Committee of the Whole as to the order of recognition.

It is now in order to consider amendment No. 1 printed in House Report 103-97.

AMENDMENT OFFERED BY MR. HAMILTON

Mr. HAMILTON. Mr. Chairman, pursuant to House Resolution 173, I offer a technical amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HAMILTON:
Page 9, strike out lines 7 through 10.
Page 9, line 11, strike out "(13)" and insert in lieu thereof "(12)".
Page 10, strike out lines 20 through 23.
Page 10, line 24, strike out "(2)" and insert in lieu thereof "(1)".
Page 11, line 3, strike out "(3)" and insert in lieu thereof "(2)".

The CHAIRMAN. Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment makes two technical changes in Senate Joint Resolution 45, as reported by the House Committee on Foreign Affairs. Both changes are intended to update the resolution.

□ 1430

Both changes, so far as I know, are noncontroversial. They are intended to update the resolution to reflect the transfer of administrative and operational control of the Somalia operation to the U.N.-led forces from the United States-led forces.

The amendment strikes finding (12), which states that—

Congress will facilitate the transfer of operations in Somalia from the United States-led force to the United Nations-led force.

That transfer is now complete, so the finding is no longer necessary.

The amendment also strikes in the authorization section the description of the use of U.S. forces "to carry out operations under the authorization provided by U.N. Security Council Resolution 794 until the transition to the U.N.-led force is completed;"

Again, that transition has been completed.

In summary then, this amendment makes two small technical changes to ensure that Senate Joint Resolution 45 is current and accurate and up to date.

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

The CHAIRMAN. Is there a Member in opposition to the amendment?

Mr. GILMAN. Mr. Chairman, while I do not have any objection, I do want to state that I support the technical amendments offered by the gentleman from Indiana [Mr. HAMILTON], the distinguished chairman of the Committee on Foreign Affairs.

As the gentleman indicated, the amendment makes technical changes to Senate Joint Resolution 45. These changes revise the resolution to take account of developments on the ground in Somalia since the passage of the resolution in committee on May 5, 1993.

Mr. Chairman, we have no objection and I urge all Members to support the technical amendment.

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. HAMILTON].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 103-97.

For what purpose does the gentleman from New York [Mr. GILMAN] rise?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. GILMAN:

Strike out all after the resolving clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for Use of United States Armed Forces in Somalia Resolution".

SEC. 2. FINDINGS.

The Congress finds that—

(1) an estimated 300,000 Somalis reportedly have died of hunger or as casualties of widespread violence since the fall of Siad Barre in January, 1991;

(2) international relief agencies were unable to deliver adequate assistance to those most in need due to increasingly difficult and dangerous security conditions, including pervasive banditry and looting;

(3) the Congress expressed its support for a greater United Nations role in addressing the political and humanitarian situation in Somalia through Senate Concurrent Resolution 132 and House Concurrent Resolution 370 of the 102d Congress;

(4) the United Nations Secretary General and United States officials concluded that intervention in Somalia would be necessary to avert further massive starvation;

(5) the United Nations Security Council on December 3, 1992, adopted Resolution 794, authorizing the use of "all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia";

(6) President Bush on December 8, 1992, began deploying United States Armed Forces in Somalia in response to United Nations Security Council Resolution 794;

(7) on December 10, 1992, President Bush formally reported to the Congress on the deployment of United States Armed Forces in Somalia;

(8) on January 15, 1993, the Department of Defense announced the beginning of the withdrawal of United States Armed Forces from Somalia;

(9) as of mid-May 1993, approximately 3,800 American servicemen and women remain in and near Somalia;

(10) President Bush emphasized that United States Armed Forces would be withdrawn from Somalia and that the security mission would be assumed by a new United Nations peace-keeping operation (UNOSOM II) as soon as a "secure environment" was created for the delivery of food and other humanitarian assistance;

(11) the deployment of United States Armed Forces in Somalia, together with

those from other countries, has led to a substantial increase in the delivery of humanitarian assistance and has opened up access to more remote areas of the country;

(12) further starvation on a massive scale has been averted in Somalia, but there remains a need for continuing humanitarian efforts under UNOSOM II;

(13) in a report dated March 3, 1993, the United Nations Secretary General proposed that the transfer of command from UNITAF to UNOSOM II take place on May 1, 1993;

(14) on March 26, 1993, the United Nations Security Council adopted Resolution 814, approving the Secretary General's report of March 3, 1993;

(15) pursuant to Resolution 814, United States Armed Forces will play a key role in the UNOSOM II operation, United States Armed Forces participating in UNOSOM II will be under the command of a United Nations official, and United States Armed Forces participating in UNOSOM II will be asked to fulfill a mission in Somalia that is much broader and more open-ended than the mission originally outlined by President Bush;

(16) United States Armed Forces in Somalia are not now in a situation of hostilities or a situation in which imminent involvement in hostilities is clearly indicated by the circumstances within the meaning of the War Powers Resolution, nor is it contemplated that they will be in such a situation while participating in UNOSOM II; and

(17) the Congress has not been adequately consulted on the new United Nations mission in Somalia and has not had an opportunity to debate and consider what United States policy should be in the context of a broadened United Nations mandate for that country.

SEC. 3. SUPPORT FOR UNITED STATES ARMED FORCES IN SOMALIA.

(a) FINDINGS.—The Congress finds that—

(1) prior to United Nations-authorized operations in Somalia, over 300,000 Somalis (including one-fourth of the children under the age of five) died due to civil strife, disease, and famine, and at least one-half of Somalia's population of 8,000,000 people, were considered at risk of starvation;

(2) the number of deaths from starvation in Somalia has declined significantly since the arrival of the United States-led force in Somalia; and

(3) the United States contributed immeasurably to UNITAF, including the deployment of over 20,000 members of the Armed Forces and the loss of American lives.

(b) COMMENDATION OF U.S. ARMED FORCES.—The Congress commends the United States Armed Forces for successfully establishing a secure environment for the humanitarian relief operations in Somalia.

SEC. 4. PARTICIPATION OF UNITED STATES ARMED FORCES IN UNOSOM II.

(a) AUTHORIZATION.—The President is authorized to deploy United States Armed Forces in Somalia in order to participate in UNOSOM II, subject to subsection (b).

(b) EXPIRATION.—The authorization provided in subsection (a) shall expire 6 months after the date of enactment of this joint resolution, unless Congress extends such authorization.

SEC. 5. CONGRESSIONAL POLICY STATEMENTS.

(a) RESTORATION OF SOMALI SELF-GOVERNMENT AND WITHDRAWAL OF FOREIGN MILITARY FORCES.—It is the sense of the Congress that—

(1) the restoration of self-government to Somalia and the withdrawal of all foreign military forces from Somalia at the earliest

date consistent with the humanitarian situation in that country are fundamental objectives of the international community;

(2) to achieve these objectives, the United Nations should foster the establishment of competent local authorities in Somalia that will enable the Somali people to reclaim control of their country; and

(3) the size and scope of UNOSOM II should be reduced as quickly as local institutions and the humanitarian situation will permit.

(b) **WITHDRAWAL OF UNITED STATES ARMED FORCES.**—It is the sense of the Congress that—

(1) United States Armed Forces have performed a humanitarian service in Somalia that the armed forces of very few other countries could have performed;

(2) increasingly, however, the security needs of Somalia can be handled by the armed forces of other countries; and

(3) the mission of UNOSOM II established by United Nations Security Council Resolution 814 is considerably broader than the original United States objective of creating a secure environment for the delivery of humanitarian assistance.

For these reasons, and consistent with the objectives of promptly restoring Somalia self-government and withdrawing foreign military forces from Somalia, the Congress declares that all United States Armed Forces should be withdrawn from Somalia not later than 6 months after the date of enactment of this joint resolution and their functions assumed by other UNOSOM II personnel or forces to the extent required after that date.

(c) **REIMBURSEMENT OF COSTS INCURRED BY THE UNITED STATES IN SOMALIA.**—It is the sense of the Congress that the President should seek to ensure that incremental costs incurred by the United States in connection with UNITAF and in connection with UNOSOM II are reimbursed to the maximum extent possible by the United Nations and other members of the international community.

SEC. 6. REPORTING REQUIREMENT.

Not later than 2 months after the date of enactment of this joint resolution and at least once every 2 months thereafter until 2 months after all United States Armed Forces have been withdrawn from Somalia, the President shall submit to the Congress a report on developments related to Somalia. Each such report shall include—

(1) a statement of United States policy objectives in Somalia and an assessment of the progress that has been made in achieving those objectives;

(2) an assessment of the progress that has been made in fostering the establishment of competent local authorities in Somalia;

(3) the projected date for withdrawal of all United States Armed Forces from Somalia and an assessment of the progress that has been made toward completing that withdrawal;

(4) a full accounting of all United States incremental costs in connection with UNITAF and UNOSOM II;

(5) a full accounting of the estimated incremental costs of other countries in connection with UNITAF and UNOSOM II;

(6) a full accounting of all contributions that have been made to the United Nations Somalia Trust Fund, and all disbursements from the Fund; and

(7) a statement of the steps that have been taken, and an assessment of the progress that has been achieved, in obtaining reimbursement of the incremental costs incurred by the United States in connection with UNITAF and UNOSOM II.

SEC. 7. DEFINITIONS.

As used in this joint resolution—

(1) the term "UNITAF" means the Unified Task Force established pursuant to United Nations Security Council Resolution 794 (1992); and

(2) the term "UNOSOM II" means the international force established pursuant to the United Nations Security Council Resolution 814 (1993).

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, it is rare when there is disagreement within the Committee on Foreign Affairs on a foreign policy issue such as the one facing us today. We have a long, bipartisan tradition in the committee, especially in regard to emergency humanitarian crises around the world.

However, in the case of Somalia, I find myself in strong opposition to the provision of Senate Joint Resolution 45 that is very likely to provide for a long-term deployment of U.S. troops in a U.N. mission where the mission was neither debated nor approved by the Congress. And I want to make clear that my opposition is not a partisan opposition but is rather based on a fundamental difference of opinion on an important foreign policy issue.

The United States did not sign on to a plan for the national reconstruction of Somali society and the disarming of every Somali when we sent our forces there to restore order and confront the urgent humanitarian crisis. We have done our part and have done it effectively. Order has been restored, food is being delivered, and a U.N. force is now in place. It is time now for U.S. forces to come home. The United Nations has more than ample forces at its disposal to carry out its reconstruction plans.

Virtually all of us agree that United States military forces in Somalia have fulfilled the mission outlined for them by President Bush. My substitute authorizes their continued presence in Somalia for a 6-month transitional period and clearly states that all United States Armed Forces should be withdrawn from Somalia at the end of that 6-month period.

In contrast, the authorization in Senate Joint Resolution 45 runs for 12 months after the date of enactment. In addition, the Hamilton resolution strongly implies that the authorization will be extended as long as the United Nations wants. Because there is every reason to believe that the United Nations is planning to keep our forces in Somalia for a long time—perhaps as long as a decade—I urge my colleagues to think carefully before rejecting the limited authorization in my substitute

with no presumption of renewal in favor of the longer authorization in Senate Joint Resolution 45 with a presumption of renewal.

My substitute authorizes the deployment of United States Armed Forces to Somalia to engage in peacekeeping only. If "hostilities"—as defined by the war powers resolution—were to break out, relevant provisions of that resolution would require the President to obtain additional authorization from Congress for our Armed Forces to remain in that country for more than 60 days.

By contrast, Senate Joint Resolution 45 provides "specific statutory authorization" under the war powers resolution for the deployment of United States Armed Forces to Somalia. This means that if hostilities break out in Somalia, the President could keep our troops in that country with no further authorization from Congress. The administration has not requested such authorization and considers it unnecessary. Why give the administration a war powers blank check when it is not even asking for one?

The transitional six-month period for the withdrawal of our Armed Forces that my substitute provides would let our commanders in the field draw down our logistical forces in a careful and deliberate way, and would enable them to send our Quick Reaction Force back to its home base.

It is also important for Members to understand that over the past 5 years, 12 new U.N. peacekeeping operations have been undertaken to end regional and national conflicts, monitor cease-fires, and help rebuild shattered societies. Seven of these were begun in 1992 alone. What we do in Somalia could well become the model for United States intervention in the many emerging hot spots around the world.

We have done more than our fair share in Somalia. With new peacekeeping operations demanding additional resources and commitments from the United States, we need to begin to set realistic and feasible limits on our humanitarian commitments around the world.

In short, my substitute is more forward-leaning in requiring the administration to protect the interests of the American taxpayer, in minimizing the risks to our Armed Forces in Somalia, and in protecting the rights of the Congress to authorize all aspects of our involvement in that country. For these reasons, I urge my colleagues to support my amendment, and I reserve the balance of my time.

The CHAIRMAN. Is there a Member in opposition to the amendment?

Mr. HAMILTON. Mr. Chairman, I am in opposition to the amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. HAMILTON] is recognized for 30 minutes.

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the distinguished

gentleman from California [Mr. LANTOS], a member of the Committee on Foreign Affairs.

Mr. LANTOS. Mr. Chairman, I thank the distinguished chairman of the committee for yielding me this time.

I want to commend him for his legislation.

I rise respectfully, but most strongly in opposition to the amendment offered by my friend, the gentleman from New York [Mr. GILMAN].

□ 1440

I would like to put this whole discussion and the two alternatives in a broader context. With the end of the cold war, with the end of the confrontation between the Soviet bloc and our forces, we face a whole new international security situation, and in instance after instance we will find that American interests are best protected when we are part of the action of a multilateral nature with the bulk of the burden and the bulk of the cost borne by others. When President Bush decided to deploy United States forces in Somalia, all of the costs and all of the forces were American, and where we stand today is that the bulk of the forces are not American, and the bulk of the costs are borne by other nations. I would think the gentleman from New York [Mr. GILMAN] would welcome this shift. As a matter of fact, wherever we look, currently or prospectively, there will be international crises where we will have to play a role. I hope it will be a relatively minor role with the bulk of the activity undertaken by other forces. But it would be the height of irresponsibility, and absurdity and stupidity to withdraw American forces before the job is done.

We now have about 10 percent of the forces in Somalia, including 1,300 United States forces, a Quick Reaction Force. That is insurance. That is there to see to it that, should hostilities flair up, there is a capable force nipping it in the bud and dealing with it. To set an arbitrarily short time period, and the gentleman from New York knows this as well as I do, that the Somalia crisis will not be resolved in 6 months, it is obvious that it will not be resolved in 6 months; and, if we now telegraph a message that in 6 months we are out, that means that the effort, and the time and, yes, the sacrifices of American forces which have been killed in the process of this undertaking, will have been in vain.

We must indicate some degree of stability. We must indicate some degree of perseverance. The Hamilton legislation calls for a year. I hope the Somalia project will be concluded in a year. But there is not a Member in this body who thinks that in 6 months time this thing will be sealed, signed, and delivered.

I would also like to take issue with a rather important aspect of the substitute offered by my very good friend,

the gentleman from New York [Mr. GILMAN]. This undertaking was begun by a Republican President, and I, for one, supported him when he decided to undertake the Somalia operation. It was continued by a Democrat President, and I support him for continuing the policy begun by a Republican President. I simply cannot understand how the gentleman in his substitute specifically praises the Republican President and implicitly criticizes the Democrat President for undertaking the same international humanitarian mission.

I think it is important for us to recognize that whenever possible we should stand together in these international crises, from Bosnia to Somalia, and there will be many more as we look ahead over the years and over the decades. It is a pity to reduce this to partisan bickering. It would seem to me that we either ought to praise both of our Presidents who supported this action or we should single out neither.

Mr. Chairman, the Hamilton proposal does the latter, and I think it is important that it prevail because it would be very unfortunate if such an issue, which has had the bipartisan support of the American people and of this body, should descend into partisan bickering.

I would also like to suggest that while my colleagues will speak at length about the relevance of the war powers resolution, I would just make one simple point about it:

There has long been debate between the executive and legislative branches on the question of shared responsibilities for major foreign policy decisions. I firmly believe, Mr. Chairman, that constitutional principles make it clear that decision making on sending U.S. troops abroad for potential combat must be shared by the executive and legislative branches. For this reason I think it is important to rely on specific statutory authority such as that provided by the war powers resolution, which the Hamilton proposal does include and the Gilman proposal does not.

Finally, Mr. Chairman, I would like to say a word about reporting requirements. I find it amusing that the side that typically talks about excessive bureaucratic procedures is calling for reporting every 2 months on a variety of factors. Chairman HAMILTON's legislation requires reporting on the full range of issues, but reports are necessary only initially and in 12 months time so as to avoid placing unduly burdensome bureaucratic and onerous tasks on those who should be focusing, not on providing bimonthly reports to this body, but should be focusing on carrying out policy.

Mr. HUNTER. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman from California [Mr. LANTOS] has expired and the gentleman has no time to yield.

Mr. LANTOS. I, therefore, Mr. Chairman, yield back the balance of my non-existing time.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Kansas [Mrs. MEYERS], a member of our committee.

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in support of the Gilman substitute. Now that the mission ordered by President Bush in Operation Restore Hope has been completed, all American forces should be withdrawn from Somalia as quickly as possible. Failure to do so will condemn our forces to a deployment that will last for years. American troops will be continuously dying in support of an impossible mission.

The objective the United Nations has established for UNOSOM II is that of disarming the rival factions, beginning long-term development and nation-building activities, and engaging in national reconciliation. Let me emphasize again, long term. The most optimistic observers say this task will take through the end of the century. If Congress is to state that strong consideration will be given to extending the authorization for American forces in Somalia should they continue to be needed, it is as certain as the sun rising in the East that the United Nations will say they will still be needed for as long as this mission lasts.

However, the United Nations is simply not capable of accomplishing this mission, not by the end of this century or the end of the next century. They will try to broker a deal between the rival clans and install a democratic system over the traditional Somali culture.

Some members of President Bush's National Security Council staff were advocating that this be part of the mission of Operation Restore Hope. General Powell convinced President Bush that this was a bad idea. Now, it appears President Clinton has decided that America should accept this mission under U.N. command. I have no reason to question the ability of General Bir to run the peacekeeping forces in Somalia, but I am not as confident about the ability of his bureaucratic superiors in New York.

Finally, I am seriously concerned about the war powers authorization contained in the bill. Other peacekeeping operations that involved American troops have not required such an authorization. The "Dear Colleague" signed by Messrs. HAMILTON, LANTOS, and JOHNSTON says Senate Joint Resolution 45 grants the same type of prior authorization under the war powers resolution as Congress approved for Operation Desert Storm. That makes our point as to why there should not be this authorization in this bill. Operation Desert Storm was a full-scale war. Yes, we found that war powers language acceptable for what President

Bush wanted to do in the gulf war. Operation Desert Storm had a clearly defined mission, one that could be accomplished in a relatively short time. UNOSOM II's mission is not clearly defined. It will take years, perhaps generations to achieve Somali national reconciliation, whatever that may be. Do my colleagues actually want to authorize that kind of commitment for American troops in Somalia? Under the command of, not Americans, but rather the United Nations? Also, remember that it was George Bush who decided when Operation Desert Storm had accomplished its mission. In this case it will be U.N. officials, who have absolutely no accountability to the American people, who will have the authority to decide whether and when our forces had accomplished their mission.

I believe that to grant this authority would be a serious mistake. Please join me in supporting the Gilman substitute.

□ 1450

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Jersey [Mr. TORRICELLI], a subcommittee chairman of the Committee on Foreign Affairs.

Mr. TORRICELLI. Mr. Chairman, there are always foreign policy issues that for one reason or another will divide us, different priorities or views of the world, costs or ideological divisions. But surely here is one foreign policy issue upon which we can all agree: A desperate people in a poor land are driven to mass starvation by feudal warlords, and the world responds. Hundreds of thousands of lives are saved simply by opening the roads so that food can be delivered and order is established.

Among the many proud chapters of the United States and our Armed Forces, surely this must rank among them. And of the good leadership that George Bush provided in foreign policy, this, too, must be listed.

It is part of what makes America unique. Many countries would respond to opportunities to gain great wealth, conquer new lands, gain new glories. But what other nation than ours would send their sons and daughters halfway around the globe to ensure that food could be delivered, order restored, and then bring our forces home?

Indeed, our pride in our country for this selfless act can only be surpassed by our pride in our Armed Forces, 25,000 soldiers, professionally, selflessly, giving months of their lives in what they have often termed the best experience of their lives.

Now it is our responsibility to bring their efforts to a successful conclusion, to consolidate their victory over feudalism and hunger. And that is the message of this resolution. If the warlords doubt our power to remain, to see in fact this consolidation of victory,

they will wait us out, no matter the time, and we will find again the same genocide by hunger that we saw before.

This 12-month authorization is what is needed as a message to them that we did not sacrifice in lives or treasure or efforts only to have them steal again the future of their people.

But it also provides cover of law in the War Powers Act. For all the frustration with the War Powers Act, for all those who have opposed it, it is still in my belief the greatest constitutional contribution of this generation to American law. It builds upon the frustrations of division in American foreign policy by assuring that no matter how small the battle, when American soldiers are placed in harm's way, this country will be united, the institutions of this Government will be together, and there will be support by the American people to bring an ultimate victory.

This resolution offered by the gentleman from Indiana [Mr. HAMILTON] ensures that cover of law for Somalia, and more. It sets a precedent. For while most Members of this House may agree today with what happened in Somalia, there is no assurance in the future that every time a President sends our forces to harm's way we will agree again. But by preserving our prerogatives in this House, by exercising the powers of the War Powers Act, we set an important precedent for the future.

But still, despite the importance of law and the significant contribution we have made to humanity, there are those who will disagree. There are those who will argue that the United States is being a policeman.

But indeed, if you cede the point, for what better cause? Only we have the power and the means to bring the world together. If we are going to err on the side of being a policeman, this was the time to err.

There are those who will argue cost, but indeed there are only 2,700 troops that remain, and indeed the financial obligation is only 10 percent of the total cost.

I ask my colleagues to support this resolution because it is the right message to the warlords, that we will not be tried out in our patience, because it honors our forces, because it preserves the prerogatives of this House and sets a precedent for the future.

When George Bush decided to send our forces to Somalia, we responded. Now Bill Clinton has asked that we complete the job that George Bush began. He deserves no less. Defeat the amendment and support the resolution.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Illinois [Mr. HYDE], a member of our committee.

Mr. HYDE. Mr. Chairman, I do not think there is any criticism of the present administration in the well-crafted amendment of the gentleman

from New York [Mr. GILMAN]. I think there is recognition that the character of this mission has changed.

When our troops were sent over there it was to stabilize a country where people were starving, where food was not getting to them, and it was to assist in getting food to women and children and people in the rural areas of Somalia that, because the warlords were at each other's throats, were not able to survive.

Now, that was an in and out, a short term, get over there and do what is necessary, get the starvation level eliminated, and then for a more permanent solution, leave it to the United Nations, leave it to the Organization of African Unity, leave it to the other people.

We, after all, if we are to continue to perform this function, we ought to visit the Sudan, we ought to look at Liberia. Angola is still very explosive. Rwanda is still enduring tribes killing other tribes. Mozambique is still under fire with Renamo and other rebel groups still active. So there is no shortage of places for us to bring our troops to perform a stabilization function.

The difficulty with the amendment of the gentleman from Indiana [Mr. HAMILTON] is it presents the administration with authority it has not asked for, and it says you can stay there for 12 months, thus taking Congress totally out of play. Congress cannot do other than respect the law if this becomes law. It is a recognition, a reaffirmation of the War Powers Act.

Only twice in our history has Congress acted under the War Powers Act: once when we sent marines to Lebanon, and the other time was Desert Storm. That should be a very solemn undertaking. Here our soldiers are not in hostility nor in imminent danger of hostility.

Now, one could define that liberally if you wish, and one can walk through the District of Columbia or the city of Chicago and say you are in danger of imminent hostility. But I think the situation in Somalia is not that which is contemplated by the War Powers Act where you are going to get in harm's way imminently or you are already in harm's way.

□ 1500

This is not so. And so we do not need what the gentleman from Indiana [Mr. HAMILTON] is offering. The administration has not asked for it, and we ought not to trivialize the solemn undertaking of providing statutory authority for the Commander in Chief to exercise his constitutional powers as Commander in Chief. I just do not think this situation calls for that.

Now, the Organization of African Unity, it is quite interesting, Botswana is going to contribute 200 soldiers to this U.N. troop. Egypt, which gets \$1.2

billion a year in military assistance and \$800 million a year in economic support funds, is going to contribute 615 soldiers. Wow. And they are in the neighborhood with Somalia, I would remind my colleagues.

We also have Namibia with 196. They are likely to contribute that. Nigeria, 562; Uganda, 300; Zambia, 500; Zimbabwe, they are the biggest player there, they will provide 912 soldiers to this U.N. force.

Now, the U.S. contribution to this force is 3,800—not what the gentleman from New Jersey [Mr. TORRICELLI] has said, 2,700 plus 1,300 marines in a rapid reaction force, not under U.N. command but in the neighborhood.

Now, under the bill of the gentleman from Indiana [Mr. HAMILTON], we will be there 12 months, authority to keep our troops there. That is not what George Bush had in mind. We will be there as the biggest force, whereas Egypt and the other countries over there that get, I might add, a lot of money from the international financial institutions as well as bilateral aid, will be contributing a fraction of what the United States does.

What happened to burdensharing? Where is the money going to come from? We are going to take it from the military budget, the defense budget, operations and maintenance. We are going to further emasculate and eviscerate our defense establishment to pay for this.

It is not necessary. It is not required. The amendment of the gentleman from New York [Mr. GILMAN] provides a 6-month time period. I do not like any time limit period. I think the President has the authority, as Commander in Chief, to send the troops there. If we do not like it, we can pass a bill withholding funds for that operation.

Meanwhile, he is the Commander in Chief. We do not need the Hamilton amendment. Gilman is infinitely superior.

I ask that my colleagues support Gilman.

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I rise in support of Senate Joint Resolution 45, the joint resolution authorizing U.S. Armed Forces to support U.N. operations in Somalia and to oppose alternatives or amendments that would mandate unreasonable deadlines for a U.S. withdrawal.

Our efforts in Somalia have been a resounding success. U.S. forces have ended the civil war, reestablished order, and saved millions of innocent people from starvation. Operation Restore Hope will serve as a source of pride to the American people and the U.S. military, and a ray of hope to impoverished people around the world. It is a prime example of the good U.S.

Armed Forces can do in the post-cold-war era.

Now, as we planned from the beginning, primary responsibility for peace in Somalia is being transferred to the United Nations. It, and not the United States, will bear the primary burden of the continuing U.N. operation. Of the 25,000–30,000 U.N. troops that will remain in Somalia, less than 4,000 will be United States forces. But they will play a critical role, providing the sort of logistical support and quick-response military muscle that remain areas of unique U.S. competency.

By underwriting U.N. operations for an additional 12 months, this resolution will make a major contribution to peace. The longer the U.N. operation continues, the more likely it is that Somali community leaders—clan elders, businesspeople, clerics, teachers, and others—will be able to overcome the violent factions and rebuild a civil society based on peace and justice.

Far from burdening the United States with expensive foreign entanglements, Operation Restore Hope is a perfect example of how we can unburden ourselves from the role of world policeman. As international organizations like the United Nations grow in strength, they are relieving the United States of the need to conduct peacekeeping and peace enforcement operations on its own. The United States leadership required during the early stages of this process—whether in Somalia or the Persian Gulf—is a wise investment.

And that investment is already paying off. In a dozen peacekeeping efforts around the globe, from Bosnia and Angola to Cambodia and the Middle East, over 50,000 troops under U.N. control are working to create a more stable and peaceful world. Very few U.S. troops participate in those operations.

Withdrawing from Somalia now would be irresponsible, endangering the stability we have so carefully crafted over the past months and wasting the hundreds of millions of dollars we have already spent on the enterprise. It would place at risk the lives of millions of Somalis, undermine the growing strength of the United Nations, and raise severe questions about our credibility as an international actor. And such a step would be an insult to the American soldiers, sailors, airmen, and Marines who labored so hard, and at such great personal risk, to craft a lasting peace.

It is with these thoughts in mind that I urge my colleagues to support Senate Joint Resolution 45 as reported by the Committee on Foreign Affairs.

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

I would like to respond in brief to several points that have been made with regard to this legislation.

First, it was noted that the UNOSOM II role for the United States is far more

limited and restricted than was the U.S. role under Operation Restore Hope.

Yet, Senate Joint Resolution 45 expresses support for comprehensive U.N. efforts to rebuild Somali society and create democratic institutions in the country. It strongly implies support for a U.N.—and a United States—military presence in Somalia that some experts estimate could extend into the next century.

The provisions in my substitute specifically state that the restoration of a government in Somalia should be a key U.N. objective and that all foreign forces should be reduced as quickly as the local institutions and the humanitarian situation will permit. And, most importantly, that U.S. forces should be withdrawn in 6 months time.

It is not at all apparent to this Member that we can speak of a limited United States role in Somalia in the context of a complex, nation-building mandate for UNOSOM II that is one of the most ambitious U.N. operations in history.

Second, it was pointed out that the United States is vitally needed in this U.N. operation. Yet, the State Department's most recent list of troop-contributing countries shows that the United Nations has a sufficient number of troops to do the job without U.S. participation. More than troops, what the U.N. needs now are civilians, including administrators, engineers, and development experts.

Third, the chairman of our committee, the gentleman from Indiana, pointed out that the Congress must assume its responsibility in committing U.S. troops in partnership with the President. But this is no easy task because the administration has failed to answer repeated inquiries from the gentleman from South Carolina, the distinguished ranking member of the Armed Services Committee Mr. SPENCE, concerning the details of the command and control arrangement under UNOSOM II.

Mr. Chairman, I ask my colleagues to consider who will have operational control over our troops? How and under what conditions will our Quick Reaction Force be deployed? We need to get answers to these and other questions before we enter into any long-term commitment in Somalia.

Finally, in regard to the cost of the Somalia operation, we've already spent close to \$1 billion on our overall relief and military operations in that country. By the end of next year, the total will rise to about \$1.8 billion—with \$1.4 billion spent on military operations alone.

It is not at all clear to this Member that the American people are willing to sustain this level of commitment for peacekeeping operations in one country. Just 2 weeks ago, the Appropriations Committee failed to include the administration's request for \$300 mil-

lion in supplemental funding for United States support for U.N. peacekeeping operations, including \$103 million for Somalia in particular.

With regard to peacekeeping, our commitments are outrunning our resources. In 1990, U.S. peacekeeping costs totaled \$81 million. This year they could reach \$1.5 billion. Given the ambitious scope of UNOSOM and the high costs associated with every aspect of its operations, the United States will be asked to contribute significant annual assessments that are likely to continue into the next century. Unless and until the administration does a better job of prioritizing our peacekeeping efforts, Congress should not be called upon to rubberstamp them one after another.

And which nations are next? Which nations are facing calamitous conditions similar to Somalia? Sudan, which faces internal chaos and massive starvation? Cambodia, which has been terrorized by the Khmer Rouge for years? Is the United States in a position to commit thousands of troops and billions of dollars to rebuild these nations? Or are we raising false expectations?

Unless the administration does a better job of prioritizing our peacekeeping efforts, it is not clear that Congress is prepared to approve all of these requests.

In response to the comment by my good friend, the gentleman from California [Mr. LANTOS], that my substitute engages in partisan bickering. It does no such thing. It merely observes something that is obvious to anyone who has followed the events in Somalia—that our policy has changed.

President Bush ordered a quick intervention to confront the humanitarian crisis in that country. It was intended that our U.S. forces were to be withdrawn quickly and replaced by U.N. peacekeepers. Now, however, the U.N. mission in Somalia has been expanded, and the State Department advises that United States forces will be in Somalia for at least another 17 months. I do not intend to praise President Bush or to criticize President Clinton by this resolution. I merely want to register the disagreement of the Congress with this change in our Nation's policy toward Somalia.

□ 1510

Mr. Chairman, I am pleased to yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I rise in strong support of the Gilman amendment.

Mr. Chairman, the debate on this Somalia resolution marks a very important turning point in American foreign policy, because it concerns the use of American forces under U.N. command. And, Mr. Chairman, the use of U.N.

peace-keeping forces in this post-cold-war era is becoming more and more frequent, as new international instabilities arise.

Mr. Chairman, while the United States has a continuing role as a world leader in this new era, I think we owe it to ourselves, and the American people, to consider very carefully this new use of American forces under U.N. command, and what it may portend, both for those troops, and for the larger American security interests.

In Somalia we have played a very valuable role, pursuant to U.N. Security Council Resolution 794, to provide a secure environment for humanitarian relief operations. But I would point out that those 20,000 American troops operated under U.S. military command.

Now, however, the remaining U.S. troops will be operating under a U.N. command, and under a new and broader U.N. mandate, as contained in Security Council Resolution 814. Mr. Chairman, as the Republican substitute notes in its findings, this new operation, called UNOSOM II, "is much broader and more open-minded, than the mission originally outlined by President Bush."

It goes beyond the original mandate of providing a secure environment for humanitarian relief efforts. In Resolution 814, the United Nations is committing itself to the more daunting tasks of establishing a democracy, an infrastructure, and of disarming warring factions.

Mr. Chairman, the Republican views on this joint resolution correctly state that the Congress should be involved in any decisions regarding the deployment of any U.S. forces abroad, and a resolution is an appropriate mechanism for such involvement.

But the Republican views go on to warn that the Congress should not feel bound, and I quote, "to provide a blank check to the executive branch, and even more importantly, a blank check to the United Nations for an open-ended commitment of United States Armed Forces to that country."

And yet, Mr. Chairman, that is exactly what we are being asked to do today by the Democrat resolution. Section 2, paragraph 11 of the resolution says, and I quote, "The Congress should authorize any use of United States Armed Forces to implement United Nations Security Council Resolutions 794 and 814."

Mr. Chairman, that comes about as close to being a blank check as you can get. That authorization, combined with the language in paragraph 13 of section 2, does not bode well for an expeditious withdrawal of our forces.

Mr. Chairman, if the United States is going to get into the business of providing security cover for every country that may need it, while it attempts to develop its political institutions and its infrastructure, we could end up bogged down in many far corners of the

world for indefinite periods of time. And, Mr. Chairman, this is all being done at the same time that we are undergoing a significant down-sizing in our military establishment, far deeper than I think is prudent.

We must step back now, and ask ourselves just what our vital security interests are, and just how much we can and should be doing. This resolution is not the way to go about such a reassessment of our military role and capabilities, in this new era. Unless the Republican substitute is adopted, I would strongly urge the defeat of Senate Joint Resolution 45.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for his supporting comments, and I reserve the balance of my time.

Mr. HAMILTON. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, first of all I would like to congratulate the chairman of the full committee, the gentleman from Indiana [Mr. HAMILTON], for bringing this proposal to the floor. Obviously we all have been concerned about Somalia and the devastation that has gone on there in the past few years.

Of course, Mr. Chairman, this should not be, and I hope it is not, a partisan or a political position on this issue. President Bush did ask for our forces to instigate and to initiate in December 1992. The question before us now is whether or not an authorization should go beyond 6 months.

One of the things, Mr. Chairman, that has been confused by this discussion here is this question of 12 months as opposed to 6 months, because what the bill talks about is a 12-month authorization from the time of deployment. The time of deployment was December 1992, so the 12 months would take up into the end of 1993, in December. What that indicates is that we are already in essence at the 6 month period next month, in June.

Mr. Chairman, we need this extension, and I would respectfully but strongly oppose the Gilman amendment. We need this extension because the interests of Somalis and the interests of peacekeeping around the world will be secured and will be adequately supported by the Hamilton proposal.

If we do not extend for these next 6 months, we will be sending a very bad message and we will be sending a very bad precedent to the UNISOM II efforts, and to any other united peacekeeping efforts as it relates to the United Nations.

By us putting in and by putting in clearly and definitively, the other countries are also putting in their contributions. If we pull out now, it will set a dangerous precedent for any future peacekeeping forces.

We have heard opponents on the other side indicate that this problem

cannot be solved in 12 months or 6 more months after June. If that be the case, then we need to be about the business now of extending it for 6 more months so we can do everything that we can in the short amount of time that we can to help the people out in Somalia, to protect their food, to protect them from any resumption of violence, and to protect any kind of rehabilitation.

In short, Mr. Chairman, I believe it is extremely important that we make sure that we do not set a dangerous precedent and do not abort and abandon the kind of collaborative efforts that we need to keep peace clear around the world. If we do this at this point we are going to set such a bad precedent that we will look up, and whether we are talking about Sudan or any other place around the world, no one will want to join forces with the United States.

The United States, when it joins in with the U.N. collective and collaborative peacekeeping forces, is not guaranteed of commanding those forces. Therefore, the argument that says that we will allow this extension of war powers authorization without having a control and command is a specious one. I think we should concentrate on the real issue, and that is, we should finish the job we started, the job that was started by President Bush, the job that now will be finished under the Clinton administration, and the small price we have to pay at this point to do that I think is justified by the faces of the poor Somalians who look to us for support.

Mr. GILMAN. Mr. Chairman, I am pleased to yield a minute and a half to the gentleman from Texas [Mr. BONILLA].

Mr. BONILLA. Mr. Chairman, I rise in support of our independence and freedom, and ask all my colleagues to vote against both the Democratic committee bill and the Republican substitute authorizing United States forces in Somalia.

This is not an easy request to make as I recognize the fine work the minority members of the Foreign Affairs Committee have done in making sure that United States forces do not end up permanently deployed in Somalia. I sincerely appreciate my colleagues fine work.

Nonetheless, as I told fellow members of the Texas delegation last week, I believe both measures contain an unacceptable flaw.

Passage of either the resolution or the substitute represents congressional endorsement of the precedent of putting U.S. troops under U.N. command.

This precedent represents a profound and disturbing change from the integrated NATO military command, as the United Nations is a political, not military institution.

I do not believe that the American people want us to vote to put the des-

tiny and lives of American troops in the hands of U.N. commanders.

In this Chamber is a picture of our first President, General Washington. I believe General Washington would have told us to vote for country, not party, and vote against both the Republican and Democratic versions of the bill.

The committee report explicitly states: "this UNOSOM II command and control is unprecedented because of foreign commander will have operational control over U.S. logistics forces."

I cannot endorse putting American lives under U.N. control in Somalia or Bosnia or anywhere else and I will vote "no."

I urge my colleagues to honor General Washington's legacy and join me in voting against the substitute, the bill, and any future legislation which puts American lives in foreign hands.

The CHAIRMAN. The Chair would announce that the gentleman from New York [Mr. GILMAN] has 7½ minutes remaining, and the gentleman from Indiana [Mr. HAMILTON] has 13 minutes remaining.

Under the rules of the House, the gentleman from Indiana [Mr. HAMILTON] will be allowed to close debate.

Mr. HAMILTON. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. JOHNSTON], the distinguished chairman of the Subcommittee on Africa of the Committee on Foreign Affairs.

Mr. JOHNSTON of Florida. Mr. Chairman, sitting here listening to this debate, I almost think I am in a time warp, back in 1953, and somebody is going to have a sign outside the Chambers, "Impeach Earl Warren and get the United States out of the United Nations." It is almost incredulous.

I hope the gentleman from New York [Mr. SOLOMON] heard the previous speaker here when he said, "Even under the Gilman amendment, the troops will be under a Turkish general." He said that, a Republican.

We debate the War Powers Act. My gosh, if we ever want this establishment, the U.S. Congress, to be relevant to the situation, then we acknowledge the fact that the War Powers Act is the law of the land. It was passed under President Nixon, he vetoed it, it was overridden by this body and by the U.S. Senate, and it is imperative that we exercise the War Powers Act.

Did we exercise it when there was an invasion of Grenada by President Reagan? No, we did not. Did we exercise it when Panama was invaded? No, we did not. It is time that the U.S. Congress step forward and resume the powers given to it by the law and by the Constitution of the United States.

The mission there in Somalia is not completed. Let me emphasize, and in the statement of the gentleman from New York [Mr. GILMAN], he said, "The administration this, the administra-

tion that," and he repeated it seven times. Remember that on January 20, the date of the inauguration when the Democrats took power of the White House, there were 26,000 troops sitting there in Somalia. There are less than 4,000 today.

I do not have any apprehension of putting 4,000 troops under the command of a Turkish general picked by the United Nations when there is a reserve force sitting out in the Red Sea commanded by the United States, ready to attack if those troops are in any problems.

□ 1520

The 6 months versus 12 months is a compromise. The administration does not want any time restraints on it. The Republicans want 6 months. I think 12 months is a good compromise.

I strongly recommend that we defeat the Gilman amendment and pass the resolution.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I think the previous three or four speakers have framed this issue fairly effectively with respect to command and control of American troops, which is a very, very important issue for the American people. And first I think it is important to review some of the debate that has taken place to understand in fact that some American troops will be at times under the tactical command of foreign leaders.

I am quoting from the debate of May 20, the gentleman from Indiana [Mr. HAMILTON], where he says:

The U.S. quick reaction force, that is the 1,300 troops I referred to a moment ago, will remain under U.S. operational control, although they may receive tactical orders in the field from a U.N. sectional commander.

My colleagues, tactical orders in the field is a euphemism for ordering into battle. That means to go to certain places where you may be fired upon, where you are being fired upon, where you put yourself in harm's way. It could mean going into an area where there is extreme sniper fire. It could mean going into an area where there is a good likelihood of there being an ambush. I means risking American men and women in combat, and we have to understand that because this is an open, honest, and candid debate.

I am informed that actually, and I think this point was made by the last gentleman, that we already have essentially American forces, young American men and women, under this type of command by U.N. leaders. And if somebody has different information, I would like them to give it to my colleagues at this time. But I understand that as recently as May 4 this situation already exists. So we are placing American men and women there.

And is it not interesting, my colleagues, and I have listened to a couple

of members, good members of this committee talk about our young Americans now as being honorable, unselfish, caring, and noble, which of course they are and they have been, young Americans in uniform. For the last several weeks during this debate over whether or not we should force them to serve with homosexuals, they have been referred to, and I am referring to that 80 percent or so of young people who do not want to see the ban lifted, as homophobic, prejudiced, reactionary, and unenlightened, but we are now going to prove that they really all along have been honorable, unselfish, caring, and noble, which, they are, and to prove that we are going to put them in harm's way in Somalia.

I do not believe in the restraints that the War Powers Act attempts to place around the President of the United States, the Chief Executive, and so I would not do anything to validate that act. However, at this point it appears that we have a situation, a status quo which will be extended by Hamilton, which will be extended to some degree, 6 months by Gilman, and only 30 days by Roth, in which young American men and woman can be placed into a dangerous situation, into a combat situation by a foreign commander. And considering the fragility under which our volunteer service exists today, I think that that is an onerous burden and a burden which does not coincide with our constitutional adjudication of power to the Commander in Chief, to the President of the United States as our leader of the armed services.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for his supporting comments.

Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Indiana [Mr. BURTON], a member of our Committee on Foreign Affairs.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I remember a few years ago when we were asked to keep our marines in Beirut beyond a period of time that we thought we should keep them there, and many people in this country will remember a terrorist with a truckload of dynamite running through a barricade and going into the place where these people were lodged, blowing up this facility and killing 237 marines.

I believe we could experience a similar situation if we allow our troops to stay for an indefinite period of time in Somalia. President Bush said when we sent our troops to Somalia to feed the hungry masses over there, to stop the marauding gangs from keeping these people from getting their food, that we would be out by inauguration day. Here we are almost into June and we are trying to pass a piece of legislation that will keep them there indefinitely.

Many say this will not keep them there indefinitely. The CIA has said that in order to reach the U.N. mandate we would probably have to keep them there to the year 2000.

And listen to what the legislation says. It says,

The Congress will give strong consideration to extending the authorization for the use of United States armed forces to implement Resolution 814, should such continued use be necessary to ensure the success of the United Nations-led force in Somalia.

Remember, the CIA said they would have to stay there probably through the next 6, 7, to 8 years to accomplish their mission, and this legislation says we will give strong consideration to keeping our troops there to comply with this resolution.

We have 3,800 troops there. They have performed their function well. There is no need to keep almost 4,000 American troops there for an indefinite period of time, and in addition to that, under foreign command.

I believe that the people of this country believe the mission has been achieved. The people are getting their food, the starving masses are being fed. This should be turned over to the United Nations, and we should bring our troops home. We should not let them sit there like sitting ducks that sat in Beirut back 10 or 12 years ago when we saw 237 of them killed.

I think that we should support the Gilman amendment because the Gilman amendment gets them out by a date certain, in 6 months. In no more than 6 months we will have them home.

If we follow the Hamilton substitute, we are going to keep them there for an indefinite period of time. And mark my words, there will be a lot of young men and women that will not be coming home on their own two feet. They will be coming home in body bags, and we will all be saying why.

They have accomplished their mission. Let us bring them home.

Mr. HAMILTON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Chairman, I thank Chairman HAMILTON for giving me this time.

Mr. Chairman, I rise today in strong support of Senate Joint Resolution 45, authorizing the use of American forces in UNOSOM II, the United Nations-led relief effort in Somalia. Our committee and subcommittee chairmen, LEE HAMILTON, HARRY JOHNSTON, and TOM LANTOS, are to be commended for bringing to the House floor a very thoughtful and well-balanced resolution.

Senate Joint Resolution 45 carefully addresses situations in which American troops are participating in a U.N. peace-keeping force. Surely the authority to send U.S. troops into potentially hostile situations is within the province of Congress under the War Powers

Act. If we do not invoke the War Powers Act under these circumstances, we take a step toward forfeiting the prerogatives of the representative branch of government.

Despite what some may argue, this resolution authorizes U.S. participation for a limited time. Should the President decide after 1 year that the presence of our servicemen and women is still needed in Somalia, he must seek approval from Congress for an extension.

We cannot predict future conflicts around the world and should not commit the United States to act as the police for those conflicts. However, it is unlikely that efforts to promote and maintain peace around the globe will be successful without American involvement. Senate Joint Resolution 45 is a judicious resolution that affirms our commitment to peace. I urge my colleagues to support Senate Joint Resolution 45 and oppose the Gilman amendment.

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing this debate, I urge my colleagues—do not lose sight of the fundamental difference between my substitute and the Hamilton resolution. It is not so much a matter of 6 versus 12 months as it is a question of sorting out our national interests from our international obligations.

As articulated by President Bush, we signed on to a mission to save lives and restore hope to a shattered nation. Our American Armed Forces accomplished this humanitarian mission in Somalia. We take pride in a mission well done.

No one is suggesting that the United States should walk away from the problems in Somalia or from our obligation to support the U.N. operation in that country, but in this effort, no vital American interests are at stake that require any long-term American troop peacekeeping presence.

There are practical limits to what the humanitarian intervention can accomplish in Somalia and most agree that the United States has done more than its fair share in providing food and humanitarian relief to this country.

Now is the time for other nations to provide their troops in support of this operation. I ask my colleagues to support removing our troops from Somalia within 6 months.

Mr. MICHEL. Mr. Chairman, I rise in favor of the substitute offered by the ranking minority member of the Foreign Affairs Committee, Mr. GILMAN of New York.

I believe his approach is more in keeping with the original intentions of our military mission in Somalia.

In my view, this is not a case where self-evident truth is on one side and total error is on the other.

Foreign policy is not a science. We should not expect to find certitude where reasonable doubt is about as much as you can hope for.

Having said that, I believe the substitute offered by Mr. GILMAN fits the facts of this particular case more closely than the approach of the majority.

Above all, the Gilman substitute has one virtue that is lacking in Senate Joint Resolution 45: I refer to the virtue of decisiveness.

The Gilman substitute states that:

The Congress declares that all United States Armed Forces should be withdrawn from Somalia not later than 6 months after the date of enactment of this joint resolution * * *

This direct, unambiguous language stands in stark contrast to that of Senate Joint Resolution 45, which commits the Congress to give strong consideration to extending the authorization beyond the initial 12-month period.

The Gilman substitute has firmness, specificity, and directness. The committee approach is open-ended, vague, and lacks clarity.

In theory there might be some justification for giving the administration what amounts to a blank check.

But in this particular case, prudence dictates that the sooner we get American troops out of Somalia, the better.

President Bush sent them to do a job. The job is done. President Clinton should bring them home.

The time has come to gather up the loose ends of this successful humanitarian mission, and send our men and women home in 6 months or less.

This is what the Gilman substitute will do, with the kind of firmness and directness that marked the operation itself.

That is why I am in favor of it and why I urge our colleagues to vote for it.

□ 1530

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

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

Mr. Chairman, first of all, let me express my appreciation to the gentleman from New York, the ranking member of the Committee on Foreign Affairs. He was quite right when he said earlier that he and I do not usually disagree on foreign policy matters. We do disagree on this particular amendment, but I do want to express my appreciation to him for the very excellent and effective service he gives to the Committee on Foreign Affairs as the ranking member.

Mr. Chairman, I also want to express a word of appreciation to the two subcommittee chairmen who shaped this resolution, the gentleman from California [Mr. LANTOS], chairman of the Subcommittee on International Security, International Organizations and Human Rights, and the gentleman from Florida [Mr. JOHNSTON], chairman of the Subcommittee on Africa. Both did marvelous work in putting together the resolution.

Now, I think there are several points I would like to make about the Gilman substitute. The first point simply is that Senate Joint Resolution 45 fulfills our constitutional responsibilities, and the Gilman substitute does not.

What Senate Joint Resolution 45 does is to require the Congress to step up to its constitutional responsibilities, assume our role as a partner on the most important decision that government makes, the decision to send American men and women into possible combat. The Gilman substitute, by sidestepping the war powers question, negates the role of the Congress as a constitutional partner in this decisionmaking process.

Senate Joint Resolution 45 includes a war powers resolution, because the purpose of the war powers resolution is to engage the Congress in the process of consultation before and not after the hostilities have occurred. Congress plays a key role under Senate Joint Resolution 45. It does not play a key role under the Gilman substitute.

They have argued on the other side two different positions. The first position is that the President has sufficient authority to deploy troops into combat without congressional authorization on the basis of the Commander-in-Chief clause. That is a respectable point of view. You can make that point of view. I do not happen to agree with that.

I think, under the Constitution, if you make this grave decision the Congress ought to participate in it.

The other point they make is that the President should come back to request special authorization if U.S. troops are to engage in hostilities. Congress then plays a role only after the fact, and in my judgment that is not living up to its responsibilities and stepping up to its responsibilities as the Constitution provides.

The War Powers Act is the existing law. We have a lot of differences of opinion in this institution about the War Powers Act, but it is not our responsibility individually to make a judgment whether the law is constitutional or not. It is the law, and we should then seek to apply it.

Of course, the executive branch is not going to apply the war powers resolution. If the war powers resolution is going to be applied, it is going to be applied by the Congress or not at all. If you do not use the power, then the power is going to be lost. The power is going to be eroded, and we are in a serious situation with respect to that, in my view.

Senate Joint Resolution 45 grants the same type of prior authorization under the War Powers Act as Congress approved for Operation Desert Storm, and many of those who are opposing Senate Joint Resolution 45 found similar war powers language acceptable at the time of Operation Desert Storm.

So the first point then is that we have to step up to our constitutional responsibilities, and Senate Joint Resolution 45 is the way to do it.

The second point is that we have got to have authority to get the job finished in Somalia. To complete the task that President Bush, I think rightly,

committed the United States to do, we have got to ensure a smooth transition to this U.N. force, UNOSOM II, and in order to do that, you have got to have sufficient time.

We are not writing a blank check here. We are not giving unlimited time. I agree with the minority when they say we should have a limited amount of time. I do not happen to agree with the administration when they say our commitment ought to be open-ended.

The question is: What is a reasonable amount of time? The United States is now trying to recruit nations to participate in UNOSOM II. In order for us to be credible in that request that other nations participate, we have to show some staying power ourselves. In our judgment, 12 months is sufficiently long to show the U.S. commitment to UNOSOM II, but it is sufficiently limited in time to make clear that Congress is not endorsing an open-ended involvement.

Many of the comments made by the minority express a concern and a fear that we are going to be there ad infinitum. I agree with that concern. I understand that fear. But may I suggest to you that 6 months is simply too short. If you extend for 6 months now, the time would run out right at the end of the year when the Congress is completing its business, and that would not be a very satisfactory time for us to deal with this.

Let us give the administration a reasonably sufficient amount of time, 12 months, to get all of the troops out.

Now, one other point with respect to this blank check: The U.S. role in UNOSOM II is a very limited role. The minority is right when they say that the U.N. mandate is broad. It is a broad mandate. But the role of the U.S. troops is not broad. It is limited to two functions.

The first function is a logistical function. That is the purpose of the 2,700 logistics troops.

The second function is the combat force, the quick reaction force. That is a very limited role for the United States. It is narrowly defined. It is not a blank check and Senate Joint Resolution 45 endorses a declining role for U.S. forces.

We had 25,000 troops in Somalia as part of Operation Restore Hope, and under UNOSOM II we will have 2,700 logistical troops and 1,300 as a quick reaction force.

It is also important to point out, if you are worried just about money, that the cost for the operations in Somalia will be reduced significantly in the transfer from Operation Restore Hope to UNOSOM II.

Now, there has been a good bit of conversation about the cost of United States efforts in Somalia under UNOSOM II. Let me simply point out that the U.S. peacekeeping assessment for UNOSOM II remains the same

whether or not U.S. troops participate. It is part of our obligation to the United Nations. So you are not saving any money here by voting for the Gilman substitute. The fact is that in 1993 the cost to the United States, as nearly as we can estimate it, was about \$1.2 billion. In 1994, the cost to the United States will be something under \$500 million. So that is a very, very sharp reduction in costs.

One other comment with regard to the command-and-control situation: The statement has been made on several occasions here that U.S. forces ought not to be under foreign command. There is not any doubt that this is an unprecedented situation, and that is one reason it is very important for the U.S. Congress to act. This will be the first time that U.S. forces will be under foreign command in the context of a U.N. peace enforcement operation.

The deputy UNOSOM II commander is Gen. Thomas Montgomery. The U.N. commander is the choice of General Powell.

The point simply is that all decisions by the U.N. commander involving United States forces in Somalia must have General Montgomery's concurrence, and therefore United States concurrence.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from New York [Mr. GILMAN].

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

RECORDED VOTE

Mr. GILMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 179, noes 248, not voting 10, as follows:

[Roll No. 179]

AYES—179

Abercrombie	Crapo	Grandy
Allard	Cunningham	Greenwood
Applegate	Deal	Gunderson
Archer	DeLay	Hamburg
Army	Diaz-Balart	Hancock
Bachus (AL)	Dickey	Hansen
Baker (CA)	Doolittle	Hastert
Baker (LA)	Dornan	Hefley
Ballenger	Dreier	Herger
Barrett (NE)	Duncan	Hobson
Bartlett	Dunn	Hoekstra
Barton	Emerson	Hoke
Bateman	Everett	Horn
Bentley	Ewing	Houghton
Bereuter	Fawell	Huffington
Bilirakis	Fields (TX)	Hunter
Bliley	Filner	Hutchinson
Blute	Fish	Hyde
Boehner	Fowler	Inglis
Bunning	Franks (CT)	Inhofe
Burton	Franks (NJ)	Istook
Buyer	Galleghy	Johnson (CT)
Callahan	Gallo	Johnson (SD)
Calvert	Gekas	Kasich
Canady	Gilchrest	Kim
Castle	Gillmor	King
Clinger	Gilman	Kingston
Coble	Gingrich	Klug
Collins (GA)	Goodlatte	Knollenberg
Combest	Goodling	Kolbe
Cox	Goss	Kyl
Crane	Grams	Lazio

Levy	Packard	Shays
Lewis (CA)	Parker	Shuster
Lewis (FL)	Paxon	Skeen
Lightfoot	Petri	Smith (MI)
Linder	Pombo	Smith (NJ)
Livingston	Porter	Smith (OR)
Machtley	Portman	Smith (TX)
Manzullo	Pryce (OH)	Snowe
McCandless	Quillen	Solomon
McColum	Quinn	Spence
McCrery	Ramstad	Stearns
McDade	Ravenel	Stump
McHugh	Regula	Sundquist
McInnis	Ridge	Taylor (NC)
McKeon	Roberts	Thomas (CA)
McMillan	Rogers	Thomas (WY)
Meyers	Rohrabacher	Torkildsen
Mica	Ros-Lehtinen	Upton
Michel	Roth	Vucanovich
Miller (FL)	Roukema	Walker
Molinaro	Royce	Walsh
Moorhead	Santorum	Weldon
Morella	Saxton	Wolf
Murphy	Schaefer	Young (AK)
Myers	Schiff	Young (FL)
Nadler	Schroeder	Zeliff
Nussle	Sensenbrenner	Zimmer
Oxley	Shaw	

NOES—248

Ackerman	Evans	Lowey
Andrews (ME)	Faleomavaega	Maloney
Andrews (NJ)	(AS)	Mann
Andrews (TX)	Fazio	Manton
Bacchus (FL)	Fields (LA)	Margolies-
Baessler	Fingerhut	Mezvinsky
Barcia	Flake	Markey
Barlow	Foglietta	Martinez
Barrett (WI)	Ford (MI)	Matsui
Becerra	Ford (TN)	Mazzoli
Beilenson	Frank (MA)	McCloskey
Berman	Frost	McCurdy
Bevill	Furse	McDermott
Billbray	Gejdenson	McHale
Bishop	Gephardt	McKinney
Blackwell	Geren	McNulty
Boehler	Gibbons	Meehan
Bonilla	Glickman	Meek
Borski	Gonzalez	Menendez
Boucher	Gordon	Mfume
Brewster	Green	Miller (CA)
Brooks	Gutierrez	Mineta
Browder	Hall (OH)	Minge
Brown (CA)	Hall (TX)	Mink
Brown (FL)	Hamilton	Moakley
Brown (OH)	Harman	Mollohan
Bryant	Hastings	Montgomery
Byrne	Hayes	Moran
Camp	Hefner	Murtha
Cantwell	Hinchey	Natcher
Cardin	Hoagland	Neal (MA)
Carr	Hochbrueckner	Neal (NC)
Chapman	Holden	Norton (DC)
Clay	Hoyer	Oberstar
Clayton	Hughes	Obey
Clement	Hutto	Oliver
Clyburn	Inslee	Ortiz
Coleman	Jacobs	Orton
Collins (IL)	Jefferson	Owens
Collins (MI)	Johnson (GA)	Pallone
Condit	Johnson, E.B.	Pastor
Cooper	Johnson, Sam	Payne (NJ)
Coppersmith	Johnston	Payne (VA)
Costello	Kanjorski	Pelosi
Coyne	Kaptur	Penny
Cramer	Kennedy	Peterson (FL)
Danner	Kennelly	Peterson (MN)
Darden	Kildee	Pickett
de la Garza	Kleczka	Pickle
Klein	Klein	Pomeroy
DeFazio	Klink	Poshard
DeLauro	Kopetski	Price (NC)
Dellums	Kreidler	Rahall
Derrick	LaFalce	Rangel
Deutsch	Lambert	Reed
Dicks	Lancaster	Reynolds
Dingell	Lantos	Richardson
Dixon	LaRocco	Roemer
Dooley	Laughlin	Rose
Durbin	Lehman	Rostenkowski
Edwards (CA)	Levin	Rowland
Edwards (TX)	Lewis (GA)	Roybal-Allard
English (AZ)	Lipinski	Rush
English (OK)	Lloyd	Sabo
Eshoo	Long	Sanders

Sangmeister	Studds	Valentine
Sarpalius	Stupak	Velazquez
Sawyer	Swett	Vento
Schenk	Swift	Visclosky
Schumer	Synar	Voikmer
Scott	Talent	Washington
Serrano	Tanner	Waters
Sharp	Tauzin	Watt
Shepherd	Taylor (MS)	Waxman
Sisisky	Tejeda	Wheat
Skaggs	Thornton	Whitten
Skelton	Thurman	Wilson
Slattery	Torres	Wise
Slaughter	Torricelli	Woolsey
Smith (IA)	Towns	Wyden
Smith (OR)	Traficant	Wynn
Stark	Tucker	Yates
Stokes	Underwood (GU)	
Strickland	Unsoeld	

NOT VOTING—10

Bonior	Hilliard	Stenholm
Conyers	Leach	Thompson
Engel	Romero-Barcelo	Williams
Henry	(PR)	

□ 1602

Mr. FOGLIETTA changed his vote from "aye" to "no."

Mr. NADLER changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider Amendment No. 3 printed in House Report 103-97 which the Chair understands will not be offered.

It is now in order to consider Amendment No. 4 printed in House Report 103-97.

AMENDMENT OFFERED BY MR. ROTH

Mr. ROTH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROTH: Page 8, strike out line 11 and all that follows through line 22 on page 9 and insert in lieu thereof the following:

(8) Upon completion of the transfer of operations from the United States-led force in Somalia to the United Nations-led force in Somalia, all United States Armed Forces should be withdrawn from Somalia. Thereafter United States Armed Forces should not participate in or operate in support of the United Nations-led force in Somalia and the United States should not contribute to the costs of the United Nations-led force in Somalia.

Page 10, line 3, strike out "Congress supports" and insert in lieu thereof "United States has provided more support than any other country for".

Page 10, strike out line 14 and all that follows through line 6 on page 11 and insert in lieu thereof the following:

SEC. 4. USE OF THE ARMED FORCES IN SOMALIA.

(a) AUTHORIZATION.—The President is authorized to use United States Armed Forces to implement United Nations Security Council Resolutions 794 (1992) and 814 (1993) until June 30, 1993.

(b) WITHDRAWAL OF UNITED STATES ARMED FORCES.—All United States Armed Forces shall be withdrawn from Somalia not later than June 30, 1993. After that date United States Armed Forces shall not participate in or operate in support of the United Nations-led force in Somalia.

Page 11, line 7, strike out "(b)" and insert in lieu thereof "(c)"; and strike out line 17 and all that follows through line 2 on page 12.

Page 12, strike out line 3 and all that follows through line 20 on page 14 (section 5) and insert in lieu thereof the following:

SEC. 5. TERMINATION OF UNITED STATES FINANCIAL CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING OPERATIONS IN SOMALIA.

After June 30, 1993, the United States may not make any payment to the United Nations (including the United Nations Trust Fund for Somalia) as a contribution (either assessed or voluntary) toward costs incurred after that date for peacekeeping or other military operations in Somalia authorized by the United Nations Security Council acting under Chapter VI or VII of the Charter of the United Nations.

Page 15, line 22, after "States" insert "(subject to the limitation provided in section 5)".

The CHAIRMAN. Pursuant to the rule, the gentleman from Wisconsin [Mr. ROTH] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ROTH].

□ 1610

Mr. ROTH. Mr. Chairman, in the previous amendment last December, when the American people saw starving children in Somalia, the hearts of the American people were touched. Treasure, food and soldiers were sent to the starving people of Somalia. The President, at that time, told the American people that we must take action forthwith, and he sent, at the behest of the United Nations, some 25,000 troops to Somalia.

There were those of us who were in favor of helping the people of Somalia, but we did question the length or duration of time our soldiers would have to be in Somalia.

We were told by the old administration, and it was concurred in by the current administration, that all of our troops would be out by inauguration day, January 20, 1993. Well, we all knew that would be almost impossible, but that's what we were told. So after inauguration day came and passed, we again raised the issue of when would our troops be out of Somalia. We were told that they would certainly be out by spring, or within 6 months at the longest.

Now we have a resolution before us which reads that not only are our troops not going to be out of Somalia, but we are going to keep some over 4,000 troops in Somalia, and who knows how many troops offshore in the Somalia region for at least 1 year or longer. For the next year or more, if Congress passes this resolution before us today, our troops could be in harms' way in Somalia for at least 1 year or more. I don't think that the American people would endorse this action. The American people have been told that the U.N. has taken over the responsibilities in Somalia.

Well, if that is true why not bring our troops home? Although the mandate to the United Nations was, technically, only for 6 months, it is now estimated by the U.N. officials that they are going to be expected to remain for 2 years.

The price tag for our involvement, so far, has been \$1 billion. I think the American people have done their share. We took immediate action. We had our troops there not only until January 20, but for a total of over 6 months. We spent \$1 billion of money which, quite frankly, we don't have. It is all borrowed money that our children will have to repay plus interest.

And so, I have an amendment before us which truly does turn over our involvement in Somalia to the United Nations. My amendment sets forth that we will remove our troops from Somalia as of June 30. Quite frankly, that is almost 6 months longer, 6 months more time than we were told was necessary when troops were first placed into Somalia last December 4.

So, this amendment even goes far beyond what was originally projected. I am very concerned about this situation, because if Congress does not set a time certain when our troops will be removed from Somalia, we are going to be there, mark my words, not only 1 year from now, or 2 years from now, but at the turn of the century, you will still have American troops in Somalia.

Now, the administration is talking about having troops in Macedonia, talks about having troops in Bosnia, and who knows where else in the world. As one of the leading Democrat spokesmen for the Foreign Affairs Committee said, "We must be involved everywhere in the world." When I asked for a clarification, he was frank and candid enough to respond and say, "I said we must be involved everywhere in the world, and I meant we must be involved everywhere in the world." Many people in Congress share that foreign policy goal. However, from my reading of American public opinion, that is not the American people's perception of what our international commitments should be.

I think that if we are going to be involved everywhere in the world, we are going to be bled to death financially, we already have a \$400 billion deficit, we have over \$4 trillion in a national debt. We cannot keep going in this direction and not suffer grave consequences. The day of reckoning is nearly at hand. We had better be circumspect and wise in our decisions. I ask you not to be like lemmings in a mad rush to the sea. We do not want to lead America to financial suicide. We owe it to the American people, to the people who have put their confidence and trust in us that we make wise and judicious decisions, and the wise decision in this regard, with our troops in Somalia, is to have a date certain when they will be withdrawn.

After all, the American people, the United Nations and the people throughout the world have been told that this is a U.N. initiative. If it is a U.N. initiative, if it is truly a U.N. initiative, then let the United Nations truly take charge. Let us remove our troops as of June 30.

Without my resolution, without my amendment, if Congress passes this resolution, it is going to cost the American taxpayer another \$1 billion in the next year. We can't spend another \$1 billion after we just spent \$1 billion in Somalia. We cannot be spending several billion dollars in Russia and other billions of dollars in the Republics. Can we continue to increase foreign aid? Secretary of State Christopher was before our committee and asked for an increase in foreign aid on Tuesday. I ask, when is it all going to stop? We have huge deficits. We have a huge national debt. We owe it to our people to think about the consequences of our spending. We are being bled to death. We are being smothered with debt. And, we are not being fair or truthful or honest with the people who put their trust in us, the American taxpayer.

And, that's why this amendment is so important. It is also important to be fair with our servicemen who are serving in Somalia, our service men and women who have been in Somalia since before the beginning of the year to stabilize and feed that country, who were told that they were going to be home by January 20, who were told that they were going to be home by spring, definitely after 6 months, and now we're going to keep over 4,000 of them there for at least 1 year or longer.

There is no cutoff date. We have got to have a date certain for our people who serve in uniform. We owe it to them. Our first obligation must always be to our taxpayers, and to our men and women in uniform.

The Secretary of State was before our Foreign Affairs Committee asking for an increase in foreign aid, while we're taxing Social Security, and while the majority in this Congress are going to vote for the largest tax increase in history.

At the same time, we are increasing foreign aid and shoveling billions of dollars overseas. I do not think this is the direction the American people are asking the Congress to pursue.

Quite frankly, when the Congress is scratching its head, wondering why the American people are so hostile to the people who serve in the Congress, the reason is, because the people in this Congress do not fulfill the wishes of the American people.

For example, I think the American people want a date certain for our withdrawal and let the U.N. take over this mandate. Under the present arrangements, U.S. troops are under the command of a foreign commander. This is, I think the first time that's hap-

pened. Are we really prepared to have American troops under the leadership and command of a foreign general? I think the American people want to help the starving people of the world, but, we have already spent 6 months more in Somalia than was originally assured that we were going to have to do. And, that we have already spent \$1 billion.

I think the American people are saying that if the United Nations and other nations are truly taking over in Somalia, then let them take over and allow our troops to come home. We have spent \$1 billion, and that's a lot of money, especially to a country like ours that does not have it. Our hearts did go out to the starving people of Somalia, but we have done our part, and then some. We have done our duty.

My amendment gives this Congress a clear choice, either to go along with the never-ending American commitment in Somalia, or draw the line and let the United Nations do their part. We have troops all over the world, we're being bled to death, we must think about our domestic commitments, too. Our American military is quickly becoming a "911" for every trouble spot in the world.

This is not a wise foreign policy. Open-ended commitments in all of these operations are not wise. They are foolhardy, we are indulging in folly, and the American people can sense this, and know this instinctively. And, that is why they are so hostile to their Congress. I am convinced that if the American people were voting in a referendum, that my amendment would be adopted, overwhelmingly.

The CHAIRMAN. Is there a Member in opposition to the amendment?

Mr. HAMILTON. Mr. Chairman, I am in opposition to the amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. HAMILTON] is recognized for 15 minutes.

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I urge all Members of the House to oppose this amendment. Let me just state specifically what this amendment does. It makes sure that all United States forces are withdrawn from Somalia in 5 weeks. In 5 weeks. Even if we mandated a complete withdrawal today, it could not be completed in 5 weeks.

The amendment of our good friend, the gentleman from Wisconsin [Mr. ROTH], also prohibits the United States from making any payment to the United Nations as a contribution toward costs incurred after June 30, 1993, for peacekeeping or other military operations in Somalia.

If we were to withdraw completely as of June 30, the participation of other member states would be in jeopardy

and the entire operation would fall apart.

Mr. Chairman, the head of the U.N. Command is Admiral Howe, a former member of the Bush administration and the National Security Council. He is an extremely responsible officer who desperately wants to see some kind of stability coming from the Congress so that he can complete his mission in 1 year. So to complete the task that President Bush rightly committed the United States to in December, we should simply ensure a smooth transition to a U.N.-led operation.

Our mission is not going to be complete until that environment in Somalia will remain secure for the continued delivery of humanitarian assistance so that a broader U.N. mission can be built on a firm foundation. We need to do a full job, and a minimal level of U.S. participation is going to be critical.

Mr. Chairman, I recently had the opportunity some 4 weeks ago to visit our troops in Somalia. I saw a nation that has been totally devastated by drought, by war, and by anarchy. If I had any doubts about the need of an international presence in Somalia before my visit, they were quickly erased when I saw the very difficult but important job our marines are doing.

In meeting with the marines, the United Nations, and a group of NGO's working in Somalia, I came to understand that an international presence is needed to ensure that the warlords do not take control of the country again. If there is any kind of precipitous withdrawal of U.S. forces or the U.N. operation, these warlords would take over completely and there would be more chaos and more killing.

People in Mogadishu are no longer starving or dying because of our presence. If we were to leave, the dying would begin once again.

Last December President Bush rightly committed the United States to action in Somalia. We hoped he could have the job done within a few months. Unfortunately, there remains a lot to be done. President Clinton has rightly decided to continue our presence in Somalia, but to reduce the number of American troops and to transfer major responsibility to the United Nations.

This resolution authorizes a reduced American role for the next year, but clearly extends our constructive role in trying to resolve this crisis.

Mr. Chairman, it was once said that politics ends at the water's edge. By passing this resolution unamended, as did the other body, we are going to continue a policy that is both constructive, bipartisan, and demonstrates what this country is all about.

Mr. Chairman, I urge support for the resolution and opposition to the amendment.

Mr. ROTH. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois

[Mr. MANZULLO], who has given this a good deal of consideration.

Mr. MANZULLO. Mr. Chairman, I rise in support of the Roth amendment. When President Bush first sent over troops to Somalia, we were supposed to be out by Inauguration Day. Our mission was to stabilize the situation until a U.N. force took over. American forces held the fort, waiting for the U.N. cavalry to arrive. That took 5 months. We paid the bill.

Our magnificent Armed forces did the job well. Food is getting to the people in Somalia. The situation is much more stabilized than was reported on our TV screens last December.

We've already spent nearly \$1 billion on this operation with more expenditures on the way. We've done our fair share. In the name of fiscal sanity, it's time to bring our troops home.

The resolution before us contains at least a 1-year *carte blanche* for the President to do whatever with the remaining 3,600 American service personnel in Somalia. Plus, they are under United Nations command. They now take their orders from a Turkish general.

If we do not bring our troops home and cancel our open-ended commitment to the Somalia operations, we will spend another \$450 million—on top of the \$1 billion we have already spent. And that will go on year after year after year. We will spend billions. That is another reason to vote for the Roth amendment.

Mr. Chairman, to respect our sovereignty, it is time to bring our troops home and bring them home now. We cannot let them hang out there with the uncertainty that they may not come home for another year, or even by the end of the decade. That would be a prescription for disaster.

That's why I encourage my colleagues to vote for the Roth amendment. It would bring all our troops home from Somalia by June 30 and end the hemorrhaging of hard-earned tax dollars to a mission that has been accomplished. Support the Roth amendment. It is time to draw the line.

□ 1620

Mr. HAMILTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida [Mr. JOHNSTON], chairman of the Subcommittee on Africa.

Mr. JOHNSTON of Florida. Mr. Chairman, let me repeat what my colleague from New Mexico said. If the Roth amendment is passed, then we pull the plug in less than 5 weeks. And if we do that, we literally collapse the organization of the United Nations being in Somalia. Because many of those countries, there are 35 countries that have committed troops to this operation, and the linchpin is the United States, even though we will have less than 4,000 troops there out of 28,000.

Now, I am the first one to concede that we cannot inject ourselves unilaterally and intervene into every civil disobedience or humanitarian operation. That is why the United Nations is so critical here, and that is why I have no fear in allowing a Turk general in command over less than 4,000 troops, when General Montgomery of the United States Army literally has a veto over his operation.

What the gentleman from Wisconsin [Mr. ROTH] is saying is that if we put 10 troops in Cambodia, then we have to be in charge. If we put 20 troops in Zimbabwe, we have to be in charge. And I could go down the whole operation here.

Everyone is, I think, misrepresenting the time limitation. Let me read from the resolution here:

The authorization provided by subsection (a) shall expire at the earlier of the end of the 12-month period beginning on the date of enactment of this joint resolution, unless the Congress finds that continued participation is necessary.

That literally means that we have got to come back to this body to get an extension of the 12 months. The authorization expires in 12 months.

There is no ambiguity there, and I strongly recommend that we defeat the Roth amendment and pass the resolution.

Mr. ROTH. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, with respect to my colleague from Indiana and also from New Mexico, we had full support on both sides of the aisle when we went into this area, but I would also tell my friend from New Mexico, it is Admiral Crowe, not Admiral Howe, and this is the same Clinton supporter that said we did not need any support in the Middle East, just prior to Desert Storm.

Let us look at what is really facing us. The President's budget is cutting defense \$127 billion. Base closures are tearing the heart out of our military families. We are looking to possibly getting into Bosnia, even North Korea. Equipment, the military is scratching to replace its worn materials. They are trying to put homosexuals in the military, and not even our command will not be controlled by U.S. command.

They are also cutting out impact aid for education for military families. In an All-Volunteer Force, retention is important. But even with all of these above problems, the No. 1 issue in retention is family separation.

How about the 4,000 families back here in the United States? I respect my colleague from Indiana in what he is trying to do, but let me bring up some other things that are important.

There is an increase in vote on taxes on Thursday that this body is going to be voting for, \$4 trillion deficit, \$1.5 billion bucks per day, education cuts. The

RTC next month is going to ask us for \$48 billion more, and there is \$150 billion coming up in health care.

If we care anything about our military families, we have destroyed and cut them to pieces enough. Let us bring them home, and let us bring them out of Somalia. I support the Roth amendment.

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Chairman, I rise in support of Senate Joint Resolution 45 to authorize United States forces in Somalia. For the first time in many years America is viewed by the world community as helping the powerless and homeless—and without a cold war agenda.

We helped particularly women and children, who were literally too weak to speak for themselves, and who had been the brutalized victims of the ruthless male warlords.

Now we are faced with the decision to authorize this good work to be consistent with the War Powers Act which I support, but more importantly to give the administration the authority to continue our involvement in Somalia until there is a presence of peace and stability.

What we are being asked to vote on is to finish the task America set out to accomplish when then President Bush committed 28,000 troops in early December 1992. This action by President Bush was a logical step to insure the success of the food distribution program by airlift that began in August of that same year.

When I visited Somalia in November 1992 it was obvious that our airlifts were unsuccessful. As soon as food was put down on the ground it was taken by rival factions, or unaffiliated armed bands of Somali young men carrying out a campaign of fear and terror. They were heavily armed with semiautomatic rifles, and were destroying their homes and communities. They had become bandits accountable to no one.

Upon my return I stated that, and I quote:

I hope the Somalia Tragedy is not what the New World Order is about, allowing a country to die because it is no longer strategic in the United States' political and economic interest.

I concurred with Senator NANCY KASSEBAUM that the United Nations must ensure security by sending increased U.N. troops. But, I added to that, and I quote again:

The United States should set an example by volunteering our forces which have the capacity to arrive before it is too late.

And arrive they did. President Bush proved that the new world order really was for helping the weak against the strong as he had pointed out in the gulf war era. That the new world order really was to help people who were in need

of help, which, in my community in northern New Jersey, went over very big.

We can be justly proud of the job our servicemen rendered in Somalia. A job done with sensitivity to Somali pride, and a respect for the preciousness of the human lives saved by their patience and discipline. Just the other day the independent Weekly Review in Kenya ran a headline that said "Somalia: The American Effort Was Well Worth It."

I was pleased when President Clinton gave full support to continue the job as a part of the United Nations' UNOSOM II operation in Somalia by providing logistic and related support, and to provide a tactical quick reaction force under United States command, to respond to requests for emergency assistance from the United Nations Force Commander in Somalia.

This is why we must give our new President the time necessary and the authorization of the War Powers Act to complete our humanitarian mission in Somalia. There was bipartisan support for President Bush when he started down this road to compassion for the Somalia people, and there should be bipartisan support for President Clinton in completing the task.

Mr. Chairman, I call for support of Senate Joint Resolution 45 to authorize United States forces in Somalia.

Mr. ROTH. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. GILMAN], who has devoted a major part of his life to these issues.

Mr. GILMAN. Mr. Chairman, I would like to commend the gentleman from Wisconsin [Mr. ROTH] for offering this amendment and for his constructive efforts on this issue as it has moved through committee to the floor.

It is clear that the gentleman and I share many concerns regarding when and under what circumstances U.S. forces will depart. In addition, I share his sentiments on the significant financial costs inflicted on the United States by a continued presence in Somalia.

The CHAIRMAN. The Chair will announce that the gentleman from Wisconsin [Mr. ROTH] has 5 minutes remaining, and the gentleman from Indiana [Mr. HAMILTON] has 4½ minutes remaining. Under the rules of the House, the gentleman from Indiana [Mr. HAMILTON] will be allowed to close.

Mr. ROTH. Mr. Chairman, I thank the gentleman from New York [Mr. GILMAN] for his kind remarks.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

□ 1630

Mr. HUNTER. Mr. Chairman I thank the gentleman for yielding time to me.

I also thank the gentleman from Wisconsin [Mr. ROTH] for his commendable amendment, and I want to also give my

kudos to the ranking member of the committee and to everyone who has worked on this difficult issue on both sides of the aisle.

The last speaker said that we have a responsibility to starving people around the world. I concur in that. We also have a responsibility to the men and women who wear the uniform of the United States. With respect to this responsibility, make no mistake about it, American military people under all analyses with respect to the law that we are operating under and the United Nations, our American military people are cooperating under the tactical command and will operate in certain combat situations under the tactical command of foreign commanders.

I quote very quickly the statement by the chairman of the committee:

The U.S. Quick Reaction Force, that is, the 1,300 troops I referred to a moment ago, will remain under U.S. operational control, although they may receive tactical orders in the field from the United Nations sectional commander.

That is a euphemism for ordering people into battle, and that is exactly the right that the U.N. commander has. We have a duty to see to it that our men and women who wear the uniform operate under American military commanders, because that allows us, the American people, to have accountability for the actions and the determinations that our military leaders make.

General Schwarzkopf is accountable for his actions, or was accountable for his actions, as a U.S. military commander, to the American political establishment. A general from Turkey or Egypt or some other place is not accountable to the American people, and we should see to it that we end this situation as quickly as possible.

Second, we have to teach our allies to share these burdens. They also have a responsibility to the starving people of the world. Let me just tell the Members, the account stands as such right now: \$1 billion spent by the United States, and \$100 million spent by the rest of the world.

Until we give them a larger part of this responsibility by leaving, they are not going to voluntarily pick it up.

The Roth amendment is very commendable.

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Chairman, I thank the distinguished gentleman for yielding time to me.

Let me just say to my friend, the gentleman from Wisconsin [Mr. ROTH] that nothing has cost the American people more in blood than isolationism in any guise. The notion of stopping the world because we want to get off is not a very productive notion in 1993.

I would like to see every single American soldier back from Somalia tomorrow, not in 30 days or 45 days,

but as the world's one remaining superpower, unless we organize and provide structure to assist them with international security, our costs in blood and treasure will be mind-boggling.

The notion of pretending that complex issues can be solved with a push-button solution is simply absurd. There is no way that this Somalia venture can continue if the United States continues its participation in it. Everything that we have invested in blood and treasure will go down the drain. A superpower of our complexity and sophistication needs some staying power, it needs some long-range perspective. It must recognize that this is a complex world. What my friend, the gentleman from Wisconsin, is complaining about is the complexity of the world we live in, not the specifics of how many days our troops will be there.

There will be crises beyond Somalia and Bosnia and Cambodia, and the United States will have a responsibility for participating and anticipating these crises and solving them. To set these ludicrous and arbitrary deadlines, as if that would be a solution, is just a new guise of isolationism.

Had we stopped Hitler early on, the Second World War would not have occurred. Had we stopped Milos Lovic when he started his ethnic cleansing, the tragedy in Yugoslavia would not have occurred. That is long-term planning, long-term participation, and the involvement of other nations that is called for, not the establishment of simplistic deadlines of 30 or 45 days.

Mr. ROTH. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, let us be clear about this. The Roth amendment does three things: It withdraws our troops by June 30, it cancels further United States funds for Somalia, and it mirrors American public opinion today. It does not affect humanitarian aid. We have done our share in Somalia, and we have done it well.

On December 9, we went in to stabilize things for humanitarian reasons. We spent nearly \$1 billion. No other nation has done that much. Now other nations are being asked to do their share, and the more we do, the less others will do. They will hold back.

Unless we withdraw, we will likely be stuck there for quite a while. The question is how long. The State Department says maybe 17 months. The United Nations says maybe 18 months to 2 years. The intelligence community says maybe up to 7 or 8 years to take care of the problems over there.

I suggest that there is a cost involved as well. We have put in \$1 billion. Estimates are if we go the length that we have been talking about, we are looking at \$450 million. Those are big dollars today.

We avoid the U.N. command issue if we support the Roth amendment,

which is divisive and troublesome, especially to people like myself who have proudly worn our Nation's uniform in one of our armed services.

Finally, I think the line draws here when we say we have done our share, we have done it well. Support Roth.

Mr. ROTH. Mr. Chairman, I thank the gentleman from Florida for his excellent statement.

Mr. Chairman, I yield the remaining time to the gentleman from Indiana [Mr. BURTON], who is vice chairman of the Subcommittee on Africa of the Committee on Foreign Affairs and who has been following this issue also for a long time.

The CHAIRMAN. The distinguished gentleman from Indiana [Mr. BURTON] is recognized for 1½ minutes.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding time to me.

Let me just say, Mr. Chairman, that I have voted, along with most of the people in this Chamber, to send our troops over to Somalia to help the starving masses and to stop those roving gangs, but it is time to bring our troops home. I want to read to the Members what is going on over there. This is about our troops, from an article in the Washington Post on Thursday, May 6, 1993.

It says that the troops:

*** endure attacks from rock-throwing children by day and snipers by night. They complained that their role had shifted from feeding the starving to policing a dangerous urban environment, a role for which they were not trained.

One of the troops over there wrote all over the walls, "Send us home. We have done our job. Send us home."

The chairman of this committee, the chairman of this committee said, and I quote:

The mission of the U.S. forces is narrowly defined. U.S. troops will withdraw as soon as a secure environment for relief operations has been created.

That has been done. He said:

Second, Operation Restore Hope must end soon. This requires that the mission of U.S. forces remain clear, consistent, and limited in scope. It also requires that a strong U.N. force be ready to replace the U.S. troops within several months.

That has been done. It is costing U.S. troops \$5 million a day.

Finally, the chairman of this committee said, and I quote:

We must work to ensure that Operation Restore Hope concludes safely, successfully, and soon.

We have 34 other countries over there. We have done our share. We do not want to have our kids, our young men and women, sitting around as sitting ducks. They have done their job honorably. We have supported them. Let us bring them home and support the Roth amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. HAMILTON] has 2½ minutes remaining.

Mr. HAMILTON. Mr. Chairman, I rise in opposition to the Roth amendment. First, let us be clear what the Roth amendment does. It really does two things. Number one, it brings all of our troops out in 5 week's time. Number two, it cuts any United States funding from the United Nations operation in Somalia.

We just voted a few minutes ago in this Chamber against a Gilman substitute that provided 6 month's time before we had to get out. Now they come in with an amendment for only 5 week's time. That obviously is much too short. If we voted against the 6 month period, we are going to have to vote, it seems to me, against an even shorter period of time, which is 5 weeks.

It is important to understand here that the United States is a key actor in Somalia. If we simply pull out the rug from the Somalia operation, then there will not be a Somalia operation, and all of the investment and all of the effort that we have made in Operation Restore Hope, in which most of us in this Chamber have a great deal of pride, justifiably, would be lost. We want to try to complete the task.

□ 1650

We want a smooth transition from the U.S. effort to the U.N. effort, and that is what this resolution is all about. The Roth amendment would totally undercut that transition.

Second, the Roth amendment cuts our funding for the United Nations. We went to the United Nations a few weeks ago and we voted for this resolution. We said to the world and the United Nations that we are going to support this effort. If we come along now and cut our financial support, we are renegeing on a commitment that we made to support the Somalian effort. But beyond that, we are also renegeing on support of peacekeeping assessments in general.

My friends, I strongly urge Members not to support the Roth amendment. It would pull the rug out from UNOSOM II. It would provide no money for the United Nations and renege on the commitments that the United States Government has solemnly made in the Security Council.

I urge the defeat of the Roth amendment.

The CHAIRMAN. All time has expired.

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

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

RECORDED VOTE

Mr. ROTH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 127, noes 299, not voting 11, as follows:

[Roll No. 180]

AYES—127

Allard	Grandy	Packard
Archer	Green	Petri
Bachus (AL)	Hancock	Pombo
Baker (CA)	Hansen	Portman
Baker (LA)	Hastert	Quillen
Ballenger	Hefley	Quinn
Barrett (NE)	Herger	Ramstad
Bartlett	Hobson	Ravenel
Barton	Hoekstra	Regula
Bentley	Hoke	Roberts
Bereuter	Horn	Rogers
Billirakis	Huffington	Rohrabacher
Blute	Hunter	Ros-Lehtinen
Bonilla	Inglis	Roth
Bunning	Inhofe	Roukema
Burton	Istook	Royce
Callahan	Johnson (CT)	Saxton
Camp	Johnson, Sam	Schaefer
Clinger	Kim	Sensenbrenner
Coble	Kingston	Shaw
Collins (GA)	Klink	Shuster
Combest	Klug	Smith (MI)
Cox	Knollenberg	Smith (OR)
Crane	Kyl	Smith (TX)
Crapo	Levy	Snowe
Cunningham	Lewis (FL)	Solomon
DeLay	Lightfoot	Spence
Doolittle	Linder	Stearns
Duncan	Livingston	Stump
Dunn	Machtley	Sundquist
Everett	Manzullo	Taylor (NC)
Ewing	McColum	Thomas (CA)
Fields (TX)	McHugh	Thomas (WY)
Franks (CT)	McInnis	Vucanovich
Franks (NJ)	McKeon	Walker
Gallegly	McMillan	Walsh
Gallo	Meyers	Weldon
Gekas	Mica	Young (AK)
Gilchrest	Moorhead	Young (FL)
Gilman	Murphy	Zeliff
Goodling	Myers	Zimmer
Goss	Nussle	
Grams	Oxley	

NOES—299

Abercrombie	Collins (MI)	Frank (MA)
Ackerman	Condit	Frost
Andrews (ME)	Cooper	Furse
Andrews (NJ)	Coppersmith	Gejdenson
Andrews (TX)	Costello	Gephardt
Applegate	Coyne	Geren
Arney	Cramer	Gibbons
Bacchus (FL)	Danner	Gillmor
Baesler	Darden	Gingrich
Barcia	de la Garza	Glickman
Barlow	de Lugo (VI)	Gonzalez
Barrett (WI)	Deal	Goodlatte
Bateman	DeFazio	Gordon
Becerra	DeLauro	Greenwood
Beilenson	Dellums	Gunderson
Berman	Derrick	Gutierrez
Bevill	Deutsch	Hall (OH)
Bilbray	Diaz-Balart	Hall (TX)
Bishop	Dickey	Hamburg
Blackwell	Dicks	Hamilton
Bliley	Dingell	Harman
Boehlert	Dixon	Hastings
Boehner	Dooley	Hayes
Borski	Dorman	Hefner
Boucher	Dreier	Hinchey
Brewster	Durbin	Hoagland
Brooks	Edwards (CA)	Hochbrueckner
Browder	Edwards (TX)	Holden
Brown (CA)	Emerson	Hoyer
Brown (FL)	Engel	Hughes
Brown (OH)	English (AZ)	Hutchinson
Bryant	English (OK)	Hutto
Buyer	Eshoo	Hyde
Byrne	Evans	Inslee
Calvert	Faleomavaega	Jacobs
Canady	(AS)	Jefferson
Cantwell	Fawell	Johnson (GA)
Cardin	Fazio	Johnson (SD)
Carr	Fields (LA)	Johnson, E.B.
Castle	Filner	Johnston
Chapman	Fingerhut	Kanjorski
Clay	Fish	Kasich
Clayton	Flake	Kennedy
Clement	Foglietta	Kennelly
Clyburn	Ford (MI)	Kildee
Coleman	Ford (TN)	King
Collins (IL)	Fowler	Kleczka

Klein	Nadler	Shepherd
Kolbe	Natcher	Sisisky
Kopetski	Neal (MA)	Skaggs
Kreidler	Neal (NC)	Skeen
LaFalce	Norton (DC)	Skelton
Lambert	Oberstar	Slattery
Lancaster	Obey	Slaughter
Lantos	Olver	Smith (IA)
LaRocco	Ortiz	Smith (NJ)
Laughlin	Orton	Spratt
Lazio	Owens	Stark
Lehman	Pallone	Stenholm
Levin	Parker	Stokes
Lewis (CA)	Pastor	Strickland
Lewis (GA)	Paxon	Studds
Lipinski	Payne (NJ)	Stupak
Lloyd	Payne (VA)	Swett
Long	Pelosi	Swift
Lowey	Penny	Synar
Maloney	Peterson (FL)	Talent
Mann	Peterson (MN)	Tanner
Manton	Pickett	Tauzin
Margolies-	Pickle	Taylor (MS)
Mezvinsky	Pomeroy	Tejeda
Markey	Porter	Thornton
Martinez	Poshard	Thurman
Matsui	Price (NC)	Torkildsen
Mazzoli	Pryce (OH)	Torres
McCandless	Rahall	Torricelli
McCloskey	Rangel	Towns
McCrary	Reed	Trafficant
McCurdy	Reynolds	Tucker
McDade	Richardson	Underwood (GU)
McDermott	Roemer	Unsold
McHale	Romero-Barcelo	Upton
McKinney	(PR)	Valentine
McNulty	Rose	Velazquez
Meehan	Rostenkowski	Vento
Meek	Rowland	Visclosky
Menendez	Roybal-Allard	Volkmer
Mfume	Rush	Washington
Michel	Sabo	Waters
Miller (CA)	Sanders	Watt
Miller (FL)	Sangmeister	Waxman
Mineta	Santorum	Wheat
Minge	Sarpalius	Whitten
Mink	Sawyer	Wilson
Moakley	Schiff	Wise
Molinari	Schroeder	Wolf
Mollohan	Schumer	Woolsey
Montgomery	Scott	Wyden
Moran	Serrano	Wynn
Morella	Sharp	Yates
Murtha	Shays	

NOT VOTING—11

Bonior	Houghton	Schenk
Conyers	Kaptur	Thompson
Henry	Leach	Williams
Hilliard	Ridge	

□ 1702

Messrs. BARLOW, DREIER, and PAXON, and Mrs. MORELLA changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 103-97. It is the further understanding of the Chair that that amendment will not be offered.

It is now in order to consider amendment No. 6 printed in House Report 103-97.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON: Page 10, after line 13, insert the following new section 4 and redesignate existing sections 4 through 7 accordingly:

SEC. 4. SUPPORT FOR UNITED STATES ARMED FORCES IN SOMALIA.

(a) **FINDINGS.**—The Congress finds that—

(1) prior to United Nations-authorized operations in Somalia, over 300,000 Somalis (including one fourth of the children under the age of five) died due to civil strife, disease, and famine, and at least one-half of Somalia's population of 8,000,000 people, were considered at risk of starvation;

(2) the number of deaths from starvation in Somalia has declined significantly since the arrival of the United States-led force in Somalia; and

(3) the United States contributed immeasurably to the United States-led force in Somalia, including the deployment of over 20,000 members of the Armed Forces and the loss of American lives.

(b) **COMMENDATION OF U.S. ARMED FORCES.**—The Congress commended the United States Armed Forces for successfully establishing a secure environment for the humanitarian relief operations in Somalia.

The **CHAIRMAN**. Pursuant to the rule, the gentleman from New York [Mr. **SOLOMON**] will be recognized for 15 minutes, and a Member opposite—if there is a Member opposed—will be recognized for 15 minutes.

The Chair recognizes the distinguished gentleman from New York [Mr. **SOLOMON**].

Mr. **SOLOMON**. I thank the chairman.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wish to thank the gentleman from Indiana [Mr. **HAMILTON**], and ranking member, the gentleman from New York [Mr. **GILMAN**] for allowing me the opportunity to offer my amendment commending the United States Armed Forces for successfully establishing a secure environment for humanitarian relief operations in Somalia.

Mr. Chairman, the amendment is similar to House Concurrent Resolution 26 which has strong bipartisan support.

And states that prior to the United Nations authorized operation in Somalia, over 300,000 Somalis—including one-fourth of the children under the age of 5—died due to civil strife, disease, and famine, and at least half of Somalia's population of 8 million people, were considered at risk of starvation.

The resolution points out that the number of deaths from starvation in Somalia has declined significantly since the arrival of the United States-led force in Somalia.

And, that the United States contributed immeasurably to Operation Restore Hope including the deployment of over 20,000 military troops and the loss of American lives.

The amendment concludes by commending United States Armed Forces for successfully establishing a secure environment for humanitarian relief operations in Somalia.

In the end, Mr. Chairman, over 28,000 United States servicemen were deployed in Somalia. They came under

enemy fire and a number of American lives were lost.

Mr. Chairman, as Congress and the administration moves to cut back on America's defense budget, we should be mindful that it was our military which made it possible for the starving people in Somalia to be fed.

They are, without a doubt, the best trained, best equipped, most highly motivated young men and women, coming from all walks of life, a true cross section of America, and they are all volunteers serving their country in a most honorable profession, as a member of the Armed Forces of America.

Mr. Chairman, hundreds of thousands of innocent children and adults would have perished if not for the presence of American troops. As usual, these troops performed magnificently and they deserve our utmost appreciation.

Mr. Chairman, the service of the United States military in Somalia has honored all Americans and I again thank the committee for allowing me the opportunity to offer this amendment on behalf of the entire Congress commending our troops, and I urge the House to approve it unanimously.

Mr. **HAMILTON**. Mr. Chairman, will the gentleman yield?

Mr. **SOLOMON**. Mr. Chairman, I yield to a very respected Member of this Congress, the chairman of the committee, the gentleman from Indiana [Mr. **HAMILTON**].

Mr. **HAMILTON**. I thank the gentleman for yielding to me, and express my personal appreciation to the gentleman from New York [Mr. **SOLOMON**] for offering this amendment.

Mr. Chairman, I think the gentleman is exactly right. All of us are exceedingly proud of the role played by the American forces in Somalia. This is a very worthy initiative; I accept it and commend the gentleman for offering it.

Mr. **GILMAN**. Mr. Chairman, will the gentleman yield?

Mr. **SOLOMON**. I yield to the ranking member of the committee, the gentleman from New York [Mr. **GILMAN**].

Mr. **GILMAN**. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment offered by my good friend, the gentleman from New York and a distinguished former member of the Foreign Affairs Committee, Mr. **SOLOMON**, commending our Armed Forces for their outstanding work in Somalia.

Mr. Chairman, when called upon to perform, our Armed Forces have consistently responded in a manner that makes our Nation proud. When asked by then-President Bush to provide a secure environment for the conduct of relief efforts in Somalia, 25,000 men and women of the United States military responded.

In performing their task, they were confronted with a massive human tragedy and uncertain security situation. As the gentleman from New York notes

in his amendment, prior to the deployment of U.S. forces, some 8 million people were considered at risk, with over 300,000 already having died from either civil strife, disease, or famine. Tragically, of the victims, about one-fourth were children under the age of 5.

As a result of our military intervention, the threat of starvation has been dramatically reduced and a secure environment in Somalia has been created. Our U.S. Armed Forces performed an outstanding humanitarian service in Somalia—a service that the armed forces of very few other countries could have performed. Regrettably this feat was not done without cost: There were some killed and wounded, and families were separated. But throughout, the United States Armed Forces maintained their commitment to achieving a more secure future for the Somali people.

Mr. Chairman, for their commitment, dedication, and professionalism, the U.S. Armed Forces deserve the thanks of not only this Congress and the American people, but also of the international community. This amendment is an appropriate means of providing our thanks.

I commend our colleague from New York for offering this amendment and urge our colleagues to support it.

□ 1710

Mr. **SOLOMON**. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia [Mr. **WOLF**], who for 13 years has led a humanitarian effort on behalf of human beings around this world.

Mr. **WOLF**. Mr. Chairman, I rise in support of this amendment. Let me say I am going to get a vote on this.

I had the opportunity to spend a day with the troops in Baidoa, and I think we certainly owe them 15 minutes of our time to vote for this.

No. 2, before we got to Somalia, we spent 2 days in southern Sudan. Let me sensitize the House to this issue, since you are all here waiting for a vote and you can go on and do other things.

The situation in southern Sudan is worse than Somalia. We spent a whole day debating Somalia here, and yet the situation in southern Sudan is worse. There is starvation of Biblical proportions.

We have a cable that the State Department finally declassified, showing that in southern Sudan there is slavery taking place. They are putting women and children onto buses and trucks and exporting them to Libya.

There is no food in southern Sudan. There is no water basically to drink in southern Sudan. There are no NGO's in Sudan. In Somalia, all the NGO's, World Vision, Save the Children, all of them are there, but in southern Sudan there are none.

Unless this Congress faces the issue of what is taking place in southern Sudan where over 750,000 people have

died, and I believe they are being persecuted because they are black and because they are Christian. Because they are black and they are Christian, nobody is focusing on them.

Mr. Chairman, the Congress ought to focus on them and the administration ought to focus on them.

What the administration should do is send a high-level official to go and be active with regard to what is taking place in southern Sudan.

So, Mr. Chairman, I rise in strong support of this amendment and will call for a roll call vote and urge my colleagues to be sensitive to what is taking place in southern Sudan, where hundreds of thousands of people are dying and they are being persecuted. There is no food and there is no water.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for his remarks.

Mr. Chairman, I would urge a unanimous vote for this amendment that honors our American troops.

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

The CHAIRMAN. Is there a Member in opposition to the amendment? The Chair hears none.

The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

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

RECORDED VOTE

Mr. WOLF. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 425, noes 0, not voting 12, as follows:

[Roll No. 181]

AYES—425

Abercrombie	Borski	Cox
Ackerman	Boucher	Coyne
Allard	Brewster	Cramer
Andrews (ME)	Brooks	Crane
Andrews (NJ)	Browder	Crapo
Andrews (TX)	Brown (CA)	Cunningham
Applegate	Brown (FL)	Danner
Archer	Brown (OH)	Darden
Army	Bryant	de la Garza
Bacchus (FL)	Bunning	de Lugo (VI)
Bachus (AL)	Burton	Deal
Baessler	Buyer	DeFazio
Baker (CA)	Byrne	DeLauro
Baker (LA)	Callahan	DeLay
Ballenger	Calvert	Dellums
Barcia	Camp	Derrick
Barlow	Canady	Deutsch
Barrett (NE)	Cantwell	Diaz-Balart
Barrett (WI)	Cardin	Dickey
Bartlett	Carr	Dicks
Barton	Castle	Dingell
Bateman	Chapman	Dixon
Becerra	Clay	Dooley
Bellenson	Clayton	Doolittle
Bentley	Clement	Dorman
Bereuter	Clinger	Dreier
Berman	Clyburn	Duncan
Bevill	Coble	Dunn
Bilbray	Coleman	Durbin
Bilirakis	Collins (GA)	Edwards (CA)
Bishop	Collins (IL)	Edwards (TX)
Blackwell	Collins (MI)	Emerson
Billey	Combest	Engel
Blute	Condit	English (AZ)
Boehlert	Cooper	English (OK)
Boehner	Coppersmith	Eshoo
Bonilla	Costello	Evans

Everett	Kolbe	Pombo
Ewing	Kopetski	Pomeroy
Faleomavaega	Kreidler	Porter
(AS)	Kyl	Portman
Fawell	LaFalce	Poshard
Fazio	Lambert	Price (NC)
Fields (LA)	Lancaster	Pryce (OH)
Fields (TX)	Lantos	Quillen
Filner	LaRocco	Quinn
Fingerhut	Laughlin	Rahall
Fish	Lazio	Ramstad
Flake	Lehman	Rangel
Foglietta	Levin	Ravenel
Ford (MI)	Levy	Reed
Ford (TN)	Lewis (CA)	Regula
Fowler	Lewis (FL)	Reynolds
Frank (MA)	Lewis (GA)	Richardson
Franks (CT)	Lightfoot	Ridge
Franks (NJ)	Linder	Roberts
Frost	Lipinski	Roemer
Furse	Livingston	Rogers
Gallegly	Lloyd	Rohrabacher
Gallo	Long	Romero-Barcelo
Gejdenson	Lowey	(PR)
Gekas	Machtley	Ros-Lehtinen
Gephardt	Maloney	Rose
Geren	Mann	Rostenkowski
Gibbons	Manton	Roth
Gilchrest	Manzullo	Roukema
Gillmor	Margolies-	Rowland
Gilman	Mezvinsky	Royal-Ballard
Gingrich	Markey	Royce
Glickman	Matsui	Rush
Gonzalez	Mazzoli	Sabo
Goodlatte	McCandless	Sanders
Goodling	McCloskey	Sangmeister
Gordon	McCollum	Santorum
Goss	McCrery	Sarpalius
Grams	McCurdy	Sawyer
Grandy	McDade	Saxton
Green	McDermott	Schaefer
Greenwood	McHale	Schenk
Gunderson	McHugh	Schiff
Gutierrez	McInnis	Schroeder
Hall (OH)	McKeon	Schumer
Hall (TX)	McKinney	Scott
Hamburg	McMillan	Sensenbrenner
Hamilton	McNulty	Serrano
Hancock	Meehan	Sharp
Hansen	Meek	Shaw
Harman	Menendez	Shays
Hastert	Meyers	Shepherd
Hastings	Mfume	Shuster
Hayes	Mica	Sisisky
Hefley	Michel	Skaggs
Hefner	Miller (CA)	Skeen
Herger	Miller (FL)	Skelton
Hinchee	Mineta	Slattery
Hoagland	Minge	Slaughter
Hobson	Mink	Smith (IA)
Hochbrueckner	Moakley	Smith (MI)
Hoekstra	Molinar	Smith (NJ)
Hoke	Mollohan	Smith (OR)
Holden	Montgomery	Smith (TX)
Horn	Moorhead	Snowe
Hoyer	Moran	Solomon
Huffington	Morella	Spence
Hunter	Murphy	Spratt
Hutchinson	Murtha	Stark
Hutto	Myers	Stearns
Hyde	Nadler	Stenholm
Inglis	Natcher	Stokes
Inhofe	Neal (MA)	Strickland
Inslee	Neal (NC)	Studds
Istook	Norton (DC)	Stump
Jacobs	Nussle	Stupak
Jefferson	Oberstar	Sundquist
Johnson (CT)	Obey	Sweet
Johnson (GA)	Oliver	Swift
Johnson (SD)	Ortiz	Synar
Johnson, E.B.	Orton	Talent
Johnson, Sam	Owens	Tanner
Johnston	Oxley	Tauzin
Kanjorski	Packard	Taylor (MS)
Kasich	Pallone	Taylor (NC)
Kennedy	Parker	Tejeda
Kennedy	Pastor	Thomas (CA)
Kildee	Paxon	Thomas (WY)
Kim	Payne (NJ)	Thornton
King	Payne (VA)	Thurman
Kingston	Penny	Torkildsen
Klecza	Peterson (FL)	Torres
Klein	Peterson (MN)	Torricelli
Klink	Petri	Towns
Klug	Pickett	Trafficant
Knollenberg	Pickle	Tucker

Underwood (GU)	Walsh	Wolf
Unsoeld	Washington	Woolsey
Upton	Waters	Wyden
Valentine	Watt	Wynn
Velazquez	Waxman	Yates
Vento	Weldon	Young (AK)
Visclosky	Wheat	Young (FL)
Volkmer	Whitten	Zeliff
Vucanovich	Wilson	Zimmer
Walker	Wise	

NOES—0
NOT VOTING—12

Bonior	Houghton	Martinez
Conyers	Hughes	Pelosi
Henry	Kaptur	Thompson
Hilliard	Leach	Williams

□ 1733

So the amendment was agreed to. The result of the vote was announced as above recorded.

Mrs. LLOYD. Mr. Chairman, today we are not only debating the continued presence of the United States military in Somalia, we are also outlining the future role of the world's only superpower in international crisis. The end of the cold war has prompted U.S. policy advisers to rethink our role in the international community. As the leading military superpower, we are in a position to exert tremendous influence in nearly every corner of the world. But this newfound position should not be abused or over used. We must not be understood, as many would say, to be the 911 number for the world.

The resolution before us today continues United States commitment and resolve to implementing peace in the deeply troubled nation of Somalia. While it is true that our presence there was to be limited in scope and time, our original mission, to ensure some form of a lasting peace, is not over. Warlords continue to plunder humanitarian aid and sporadic gunfire and snipers continue to threaten the lives of innocent civilians. Lacking any recognizable, organized government further contributes to the overall confusion and disarray in Somalia.

Senate Joint Resolution 45 is a needed and well-crafted resolution that is in accordance with the law—specifically the War Powers Act of 1973, Public Law 93—148. Seeing as the situation in Somalia remains somewhat unstable, and the lives of all peacekeeping forces, including those of the United States, can be considered to be in danger, the President is required to seek congressional approval before any deployment of significant length. I am pleased to see that President Clinton has done so, and I intend to support him in this effort.

Under the auspices of the United Nations, the United States would retain a small military presence in Somali as part of an overall U.N. peacekeeping effort. Included is a U.S. commanded Quick Reaction Force designed to quell any serious uprisings that U.N. forces may not be capable of dealing with.

Senate Joint Resolution 45 is not an open-ended resolution, as opponents claim. It is clearly written into the bill that U.S. forces are committed for a period of 12 months. After that time is expired, Congress must revisit the issue. Without a vote to continue United States presence in Somalia, United States forces must withdraw. It is my belief that our mission there will be completed within the 12-month time period.

Mr. Chairman, our commitment to peace and stability in Somalia must be strong both in perception and reality. Our allies look toward us for leadership and support in times of crisis. Our resolve to make a change should be unwavering if we expect to have the support and strength of our allies behind us in any future crisis management situations. I urge support for this resolution not only because it is right for Somalia, but also because it is a sound United States foreign policy decision.

Mr. KANJORSKI. Mr. Chairman, I rise today to tell my colleagues that I intend to vote against the pending resolution and to explain my actions.

I believe that our Nation's Founding Fathers intended, and that the Constitution requires, that Congress debate and ultimately approve the positioning of American troops in hostile situations. For this reason, I am pleased to see Congress addressing the question of whether or not American troops should be in Somalia. In fact, I feel that in taking so long to address this situation Congress has reneged on its responsibilities to the Constitution and to the American people.

I would like to state unequivocally that Congress has the right, and indeed the responsibility, to debate and approve any action which would place the lives of American troops in danger. Thus, I support the concept behind this resolution and would encourage all of my colleagues, regardless of their position on the placement of troops in Somalia, to let it be known that they too agree that the law of the land requires that Congress authorize and approve of American troops being placed in a dangerous or hostile situation.

That being said, I would now like to turn to the resolution at hand and the question of American troops being deployed in Somalia. I was opposed to the positioning of 25,000 American troops in Somalia at the time it was proposed in early December 1992, and hindsight has not caused me to change my opinion.

Like everyone else in the world, I became extremely distressed and depressed every time I saw whole families dying of starvation. I was not convinced at the time, however, nor am I now, that American troops were necessary or even obligated morally to intervene.

It is my objection to the positioning of 25,000 United States troops in Somalia in December of 1992 that leads me to vote against this resolution. As I said earlier, however, I support the concept behind the resolution and will continue to urge Congress to take an active role in the placement of U.S. troops in hostile environs as long as I am a Member of Congress. It is the duty and the responsibility of Congress to act in a responsible manner on matters as grave as this; we owe it to our Nation, to our constituents, and to the men and women who have chosen to serve our Nation in the armed services.

The CHAIRMAN. No further amendments being in order, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. The Clerk will report the committee amendment to the preamble.

The Clerk read as follows:

Strike the preamble to Senate Joint Resolution 45.

The committee amendment to the preamble was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. McNULTY) having assumed the chair, Mr. DARDEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the Senate joint resolution (S.J. Res. 45) authorizing the use of United States Armed Forces in Somalia, pursuant to House Resolution 173, he reported the Senate joint resolution back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. WALKER. Mr. Speaker, I demand a vote on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

If not, the Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment:

Page 10, after line 13, insert the following new section 4 and redesignate existing sections 4 through 7 accordingly:

SEC. 4. SUPPORT FOR UNITED STATES ARMED FORCES IN SOMALIA.

(a) FINDINGS.—The Congress finds that—

(1) prior to United Nations-authorized operations in Somalia, over 300,000 Somalis (including one fourth of the children under the age of five) died due to civil strife, disease, and famine, and at least one-half of Somalia's population of 8,000,000 people, were considered at risk of starvation;

(2) the number of deaths from starvation in Somalia has declined significantly since the arrival of the United States-led force in Somalia; and

(3) the United States contributed immeasurably to the United States-led force in Somalia, including the deployment of over 20,000 members of the Armed Forces and loss of American lives.

(b) COMMENDATION OF U.S. ARMED FORCES.—The Congress commends the United States Armed Forces for successfully establishing a secure environment for the humanitarian relief operations in Somalia.

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

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

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5(b) of rule XV, the Chair will reduce to 5 minutes the time for a recorded vote, if ordered, on the committee amendment, as amended, immediately following this vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 13, as follows:

[Roll No. 182]

YEAS—419

Abercrombie	Costello	Green
Ackerman	Cox	Greenwood
Allard	Coyne	Gunderson
Andrews (ME)	Cramer	Gutierrez
Andrews (NJ)	Crane	Hall (OH)
Andrews (TX)	Crapo	Hall (TX)
Applegate	Cunningham	Hamburg
Archer	Danner	Hamilton
Army	Darden	Hancock
Bacchus (FL)	de la Garza	Hansen
Bachus (AL)	Deal	Harman
Baessler	DeFazio	Hastert
Baker (CA)	DeLauro	Hastings
Baker (LA)	DeLay	Hayes
Ballenger	Dellums	Hefley
Barcia	Derrick	Hefner
Barlow	Deutsch	Hergert
Barrett (NE)	Diaz-Balart	Hinchey
Barrett (WI)	Dickey	Hoagland
Bartlett	Dicks	Hobson
Barton	Dixon	Hochbrueckner
Bateman	Dooley	Hoekstra
Becerra	Doolittle	Hoke
Bellenson	Dornan	Holden
Bentley	Dreier	Horn
Bereuter	Duncan	Hoyer
Berman	Dunn	Huffington
Bevill	Durbin	Hunter
Bilbray	Edwards (CA)	Hutchinson
Bilirakis	Edwards (TX)	Hutto
Bishop	Emerson	Hyde
Blackwell	Engel	Inglis
Billey	English (AZ)	Inhofe
Blute	English (OK)	Insee
Boehert	Eshoo	Istook
Boehner	Evans	Jacobs
Bonilla	Everett	Jefferson
Borski	Ewing	Johnson (CT)
Boucher	Fawell	Johnson (GA)
Brewster	Fazio	Johnson (SD)
Brooks	Fields (LA)	Johnson, E.B.
Browder	Fields (TX)	Johnson, Sam
Brown (CA)	Flner	Johnston
Brown (FL)	Fingerhut	Kanjorski
Brown (OH)	Fish	Kasich
Bryant	Flake	Kennedy
Bunning	Foglietta	Kennelly
Burton	Ford (TN)	Kildee
Buyer	Fowler	Kim
Byrne	Frank (MA)	King
Callahan	Franks (CT)	Kingston
Calvert	Franks (NJ)	Kleccka
Camp	Frost	Klein
Canady	Furse	Klink
Cantwell	Galleghy	Klug
Cardin	Gallo	Knollenberg
Carr	Gejdenson	Kolbe
Castle	Gekas	Kopetski
Chapman	Gephardt	Kreidler
Clay	Geren	Kyl
Clayton	Gibbons	LaFalce
Clement	Gilchrest	Lambert
Clinger	Gillmor	Lancaster
Clyburn	Gilman	Lantos
Coble	Gingrich	LaRocco
Coleman	Glickman	Laughlin
Collins (GA)	Gonzalez	Lazio
Collins (IL)	Goodlatte	Lehman
Collins (MI)	Goodling	Levin
Combest	Gordon	Levy
Condit	Goss	Lewis (CA)
Cooper	Grams	Lewis (FL)
Coppersmith	Grandy	Lewis (GA)

Lightfoot	Parker	Slattery
Linder	Pastor	Slaughter
Lipinski	Paxon	Smith (IA)
Livingston	Payne (NJ)	Smith (MI)
Lloyd	Payne (VA)	Smith (NJ)
Long	Pelosi	Smith (OR)
Lowe	Penny	Smith (TX)
Machtley	Peterson (FL)	Snowe
Maloney	Peterson (MN)	Solomon
Mann	Petri	Spence
Manton	Pickett	Spratt
Manzullo	Pickle	Stark
Margolies-	Pombo	Stearns
Mezvinsky	Pomeroy	Stenholm
Markey	Porter	Stokes
Matsui	Portman	Strickland
Mazzoli	Poshard	Studds
McCandless	Price (NC)	Stump
McCloskey	Pryce (OH)	Stupak
McCollum	Quillen	Sundquist
McCrery	Quinn	Swett
McCurdy	Rahall	Swift
McDade	Ramstad	Synar
McDermott	Rangel	Talent
McHale	Ravenel	Tanner
McHugh	Reed	Tauzin
McInnis	Regula	Taylor (MS)
McKeon	Reynolds	Taylor (NC)
McKinney	Richardson	Tejeda
McMillan	Ridge	Thomas (CA)
McNulty	Roberts	Thomas (WY)
Meehan	Roemer	Thornton
Meek	Rogers	Thurman
Menendez	Rohrabacher	Thorkildsen
Meyers	Ros-Lehtinen	Torres
Mfume	Rose	Torricelli
Mica	Rostenkowski	Towns
Michel	Roth	Trafficant
Miller (CA)	Roukema	Tucker
Miller (FL)	Rowland	Unsoeld
Mineta	Roybal-Allard	Upton
Minge	Royce	Valentine
Mink	Rush	Velazquez
Moakley	Sabo	Vento
Molinari	Sanders	Visclosky
Mollohan	Sangmeister	Volkmer
Montgomery	Santorum	Vucanovich
Moorhead	Sarpalius	Walker
Moran	Sawyer	Walsh
Morella	Saxton	Washington
Murphy	Schaefer	Waters
Murtha	Schenk	Watt
Myers	Schiff	Waxman
Nadler	Schroeder	Weldon
Natcher	Schumer	Wheat
Neal (MA)	Scott	Whitten
Neal (NC)	Sensenbrenner	Wilson
Nussle	Serrano	Wise
Oberstar	Sharp	Wolf
Obey	Shaw	Woolsey
Olver	Shays	Wyden
Ortiz	Shepherd	Wynn
Orton	Shuster	Yates
Owens	Sisisky	Young (AK)
Oxley	Skaggs	Young (FL)
Packard	Skeen	Zeliff
Pallone	Skelton	Zimmer

NOT VOTING—13

Bonior	Hilliard	Martinez
Conyers	Houghton	Thompson
Dingell	Hughes	Williams
Ford (MI)	Kaptur	
Henry	Leach	

□ 1753

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the amendment to the preamble.

The amendment to the preamble was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate joint resolution.

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

RECORDED VOTE

Mr. GILMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 243, noes 179, not voting 10, as follows:

[Roll No. 183]

AYES—243

Abercrombie	Fingerhut	McKinney
Ackerman	Flake	McNulty
Andrews (ME)	Foglietta	Meehan
Andrews (NJ)	Ford (MI)	Meek
Andrews (TX)	Ford (TN)	Menendez
Applegate	Frank (MA)	Mfume
Bacchus (FL)	Frost	Miller (CA)
Baesler	Furse	Mineta
Barcia	Gejdenson	Minge
Barlow	Gephardt	Mink
Tucker	Geren	Moakley
Becerra	Gibbons	Mollohan
Beilenson	Glickman	Montgomery
Berman	Gonzalez	Moran
Bevill	Gordon	Morella
Bilbray	Green	Murphy
Bishop	Gutierrez	Murtha
Blackwell	Hall (OH)	Nadler
Boehliert	Hall (TX)	Natcher
Borski	Hamilton	Neal (MA)
Boucher	Harman	Neal (NC)
Brewster	Hastings	Oberstar
Brooks	Hayes	Obey
Browder	Hefner	Olver
Brown (CA)	Hinchey	Ortiz
Brown (FL)	Hoagland	Orton
Brown (OH)	Hochbrueckner	Owens
Bryant	Holden	Pallone
Byrne	Hoyer	Parker
Cantwell	Hughes	Pastor
Cardin	Hutto	Payne (NJ)
Carr	Insee	Payne (VA)
Chapman	Jefferson	Pelosi
Clay	Johnson (GA)	Penny
Clayton	Johnson, E.B.	Peterson (FL)
Clement	Johnston	Peterson (MN)
Clyburn	Kennedy	Pickett
Coleman	Kennelly	Pickle
Collins (IL)	Kildeer	Pomeroy
Collins (MI)	Kleczka	Poshard
Condit	Klein	Price (NC)
Cooper	Kopetski	Rahall
Coppersmith	Kreidler	Rangel
Costello	LaFalce	Reed
Coyne	Lambert	Reynolds
Cramer	Lancaster	Richardson
Darden	Lantos	Roemer
de la Garza	LaRocco	Rose
Deal	Laughlin	Rostenkowski
DeFazio	Lazio	Rowland
DeLauro	Lehman	Roybal-Allard
Dellums	Levin	Rush
Derrick	Lewis (GA)	Sabo
Deutsch	Lipinski	Sanders
Dicks	Lloyd	Sangmeister
Dingell	Long	Sarpalius
Dixon	Lowe	Sawyer
Dooley	Maloney	Schenk
Durbin	Mann	Schumer
Edwards (CA)	Manton	Scott
Edwards (TX)	Margolies-	Serrano
Engel	Mezvinsky	Sharp
English (AZ)	Markey	Sisisky
English (OK)	Martinez	Skaggs
Eshoo	Matsui	Skelton
Evans	McCloskey	Slattery
Fazio	McDermott	Slaughter
Fields (LA)	McHale	Smith (IA)

Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda

Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Trafficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer

Washington
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—179

Allard
Archer
Army
Bacchus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Billirakis
Billey
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
Danner
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Filner
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrist
Gillmor
Gilman
Gingrich

Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hamburg
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kanjorski
Kasich
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
Kyl
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari

Moorhead
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thorkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Bonior
Conyers
Henry
Hilliard

Houghton
Kaptur
Leach
McCurdy

Shepherd
Williams

□ 1811

The Clerk announced the following pair:

On this vote:

Ms. Kaptur for, with Mr. Houghton against.

So the Senate joint resolution was passed.

The result of the vote was announced as above recorded.

The title of the Senate joint resolution was amended so as to read: "Joint Resolution to authorize the use of United States Armed Forces in Somalia to implement United Nations Security Council Resolutions 794 (1992) and 814 (1993)."

A motion to reconsider was laid on the table.

EXPLANATION OF MISSED VOTES

Mr. BONIOR. Mr. Speaker, I was in my congressional district to attend the wake of a long-time dear friend. Had I been here, I would have voted in the following manner:

"Yes" on Roll No. 178, the NIH conference report;

"No" on Roll No. 179, the Gilman substitute on authorizing forces in Somalia;

"No" on Roll No. 180, the Roth amendment on Somalia;

"Yes" on Roll No. 181, the Solomon amendment to commend U.S. Armed Forces;

"Yes" on Roll No. 182, the Solomon amendment;

"Yes" on Roll No. 183, final passage to authorize U.S. forces in Somalia.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1295

Mr. COPPERSMITH. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1295.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorder vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, May 26, 1993.

REFUGEE RESETTLEMENT ACT AUTHORIZATION, FISCAL YEARS 1993 AND 1994

Mr. MAZZOLI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2128) to amend the Immigration and Nationality Act to authorize appropriations for refugee assistance for fiscal years 1993 and 1994.

The Clerk read as follows:

H.R. 2128

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR REFUGEE ASSISTANCE FOR FISCAL YEARS 1993 AND 1994.

Section 414(a) of the Immigration and Nationality Act (8 U.S.C. 1524(a)) is amended by

striking "fiscal year 1992" and inserting "fiscal year 1993 and fiscal year 1994".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky [Mr. MAZZOLI] will be recognized for 20 minutes, and the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. MAZZOLI].

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

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2128, the bill now under consideration.

GENERAL LEAVE

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

There was no objection.

Mr. MAZZOLI. Mr. Speaker, this is a short, to the point, yet important measure that would reauthorize appropriations for fiscal years 1993 and 1994 for the Office of Refugee Resettlement in the Department of Health and Human Services.

Since the enactment of the Refugee Act of 1980 the United States has accepted and resettled over 1.3 million refugees from around the world through our formal, refugee admissions process.

In most cases members of refugee populations had little or no time to plan their lives in the United States. They were thrust out of their own countries because of persecution, not because good jobs were available or because they preferred to live with relatives in the United States.

In short, this is a hardship population and, recognizing that, the Refugee Act set up a resettlement system designed to address their unique needs.

Providing an adequate budget for refugee resettlement is productive and actually helps save money in the long run. Cash and medical assistance is provided to refugees so that they may learn English and receive job training. Without resettlement assistance, our public assistance entitlement programs, which already consume a huge percentage of the Federal budget, would swell with the ranks of newly arrived refugees.

The current appropriation for fiscal year 1993 for refugee resettlement is \$381.5 million. However, the administration has determined that this is inadequate to fund the program and has requested a supplemental appropriation of \$15 million for fiscal year 1993.

This supplemental appropriation would allow for the continuation of 8 months of refugee cash and medical assistance. In the absence of this appropriation, cash and medical benefits will be exhausted by July 31, 1993.

The administration has requested \$420 million for fiscal year 1994 to resettle the same number of refugees.

Thus, there should not be a need for a supplemental appropriation next year.

The supplemental appropriations bill recently reported out of the House Appropriations Committee does not contain the additional amount that the administration has asked for.

Mr. Speaker, H.R. 2128 provides a such sums reauthorization for fiscal years 1993 and 1994. This will remove a potential impediment now facing some Appropriations Committee members who may wish to include supplemental appropriations for fiscal year 1993 for this program, but who want the program to be authorized first.

A sum-certain authorization is appropriate in most instances. However, with the change in administrations and with the uncertainty surrounding the private resettlement program, it has been very difficult to put together accurate estimates of exactly how much the program needs.

The current law, which provides authorization for fiscal year 1992, is a such sums authorization, so there is ample precedent for this approach. In fact, a measure identical to H.R. 2128 has been introduced by Senators KENNEDY and SIMPSON in the other body.

Although there are many aspects of our resettlement program that need to be examined, if not changed, the reality is that it will take some time to work out a consensus on the various issues. With passage of the supplemental appropriations bill imminent, it was the committee's judgment that we should move forward with a streamlined and noncontroversial authorization bill.

Mr. Speaker, by approving this bill we demonstrate that we are serious about this program and want to see it adequately funded.

For these reasons, I strongly support H.R. 2128 and urge my colleagues to do likewise.

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

Mr. BROOKS. Mr. Speaker, H.R. 2128 reauthorizes funding for fiscal years 1993 and 1994 for refugee assistance pursuant to the Refugee Act of 1980. The bill makes no programmatic changes to the Refugee Act.

The legislation authorizes Federal financial assistance to cover the cost of providing services to newly arrived refugees. These programs strive to integrate new refugees into the American mainstream as quickly as possible by assisting them in achieving economic self-sufficiency. Since the Federal Government controls the presence of refugees in this country, it is only fair that the Federal Government pick up the tab for providing temporary assistance to refugees when they first arrive.

The Judiciary Committee has worked with congressional leaders, the affected States and voluntary agencies to assure necessary funding for this program—without adding to the fiscal burden of State and local governments.

To continue providing the current level of Federal assistance and avoid shifting the refugee burden precipitously to the States, the ad-

ministration needs, and the bill authorizes, a supplemental appropriation of \$15 million for fiscal year 1993. In addition, the administration's budget for fiscal year 1994 requests \$420 million for the refugee program. I am looking forward to working with my distinguished colleague from Kentucky, Chairman BILL NATCHER of the Appropriations Committee to secure sufficient funding. His steadfast support of this program is highly valued.

I wish to thank Congressman ROMANO MAZZOLI, chairman of the Immigration Subcommittee, for his expeditious consideration of the bill, and Congressman BILL MCCOLLUM, the ranking subcommittee member, for his support. I urge the Members to support the reauthorization of this critical program.

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

Mr. Speaker, I rise in support of H.R. 2128.

This bill, as the chairman has so aptly put it, simply reauthorizes the Refugee Resettlement Program for the current fiscal year and fiscal year 1994. It makes no changes in the Refugee Resettlement Program as it now operates.

The program, as he stated, is not currently authorized. The 3-year reauthorization bill that the Committee on the Judiciary reported last year was not scheduled for floor consideration prior to adjournment of the 102d Congress.

Although funding for refugee resettlement was appropriated for fiscal year 1993, the \$381 million funding level was \$29 million less than the funding level for fiscal 1992. A supplemental appropriation of about \$15 million is required in order to allow the current resettlement program to continue to the end of this fiscal year. However, it is my understanding that the Committee on Appropriations has indicated it will not approve the administration's request for this supplemental unless the program is reauthorized.

The specific program for which the funding is required provides cash and medical assistance to refugees who are resettled in this country. This particular program benefits refugees who do not qualify for AFDC, supplemental security income, or Medicaid. It is intended to support the refugees until they can become self-sufficient.

If we do not reauthorize the refugee resettlement program, the supplemental appropriation will not be approved. Without the supplemental, cash and medical assistance for refugees will be cut from 8 months to 3 months effective July 1. Any refugee who entered the United States within the last 7 months would immediately become ineligible for assistance.

Some States, such as Florida, would have to shut down their refugee programs, leaving refugees who entered the United States in the last 3 months of the fiscal year with no cash and medical assistance.

Mr. Speaker, I strongly believe that we need to revisit the Refugee Program. I do not think that the author-

ization type of program that now exists is the way it ought to be. We need to work on it. The chairman, the gentleman from Kentucky [Mr. MAZZOLI], and I both think and concur in that fact, but we are not coming before the House today seeking to make those changes. We are simply doing something that needs to be done for the very short term.

It is a very simple bill, not a complicated one, that allows the supplemental appropriations to be put forward that need to be. Then, later on, it is our hope that we will come back through the committee process, revisit the resettlement bill, and the authorization process for refugees in a more complete and thorough fashion.

Mr. Speaker, I rise in support of H.R. 2128. This bill simply reauthorizes the Refugee Resettlement Program for the current fiscal year and fiscal 1994. It makes no changes in the Refugee Resettlement Program as it now operates.

The program is not currently authorized. The 3-year reauthorization bill that the Judiciary Committee reported last year was not scheduled for floor consideration prior to adjournment of the 102d Congress. Although funding for refugee resettlement was appropriated for fiscal 1993, the \$381 million funding level was \$29 million less than the funding level for fiscal 1992.

A supplemental appropriation of \$15 million is required in order to allow the current resettlement program to continue through the end of this fiscal year. However, the Appropriations Committee has indicated that it will not approve the administration's request for these supplemental funds unless the program is reauthorized.

The specific program for which the funding is required provides cash and medical assistance to refugees who are resettled in this country. This particular program benefits refugees who do not qualify for AFDC, supplemental security income, or Medicaid. It is intended to support the refugees until they can become self-sufficient.

For some refugees, this adjustment does not take long. For others, who must learn English, adapt to a very different culture, and learn a trade or find a job to support themselves and their families, the adjustment takes longer.

The Refugee Act of 1980, which established our current refugee programs, envisioned providing up to 36 months of adjustment assistance. The States were to be reimbursed for their share of AFDC, SSI, and Medicaid costs for refugees who qualified for those programs. Cash and medical assistance, administered through the State governments, was to be provided for refugees who did not qualify for those programs.

Over the years, that period of adjustment assistance has been cut to 18 months, then to 12 months, and then to the current period of 8 months. In 1990, the Federal Government stopped reimbursing States for their share of AFDC, SSI, and Medicaid. The result has been a shift in costs and responsibility from the Federal Government to the States for a program that clearly is a Federal responsibility.

If we do not reauthorize the Refugee Resettlement Program, the supplemental appropria-

tion will not be approved. Without the supplemental, cash and medical assistance for refugees will be cut from 8 months to 3 months, effective July 1. Any refugee who entered the United States within the last 7 months would immediately become ineligible for assistance.

Some States, such as Florida, would have to shut down their refugee programs, leaving refugees who enter the United States in the last 3 months of the fiscal year with no cash and medical assistance.

The refugee resettlement program has been the subject of some controversy in the last couple of years because of proposals to reform the program and shift responsibility to administering resettlement assistance for the States to voluntary agencies. This reform was promoted as enabling more efficient and effective use of refugee resettlement dollars.

While I agree that the refugee resettlement program should be thoroughly reviewed to determine whether there is a better way to administer refugee assistance, we should also acknowledge that some States are doing an excellent job.

I look forward to working with Mr. MAZZOLI, the distinguished chairman of the Subcommittee on International Law, Immigration, and Refugees, to review the resettlement program and determine what changes may be advisable.

Such an effort cannot be completed until next year, however, which is why I support reauthorizing the program as it currently operates for fiscal 1994 as well as 1993.

H.R. 2128 is a limited, noncontroversial bill, and I urge my colleagues to support it.

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

Mr. MCCOLLUM. I am happy to yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Speaker, I want to thank my friend for his cooperation, and really all the members of our subcommittee, because really this was done in perhaps a few hours in order to accommodate the House and the Committee on Appropriations. I want to thank the gentleman for his cooperation and to also assure him that it is the intention of the gentleman from Kentucky to get into the aspects of the refugee act which have not been gone into for a decade.

The gentleman will certainly help all of us in proffering suggestions and ideas, and we will have the hearings. I want to thank him for his suggestions.

Mr. MCCOLLUM. Mr. Speaker, reclaiming my time, I know that is the intent of the gentleman, and I very much appreciate that.

Mr. FISH. Mr. Speaker, I rise in support of H.R. 2128, to authorize the refugee resettlement program for fiscal years 1993 and 1994.

This is a simple, straightforward piece of legislation. Currently, the Immigration and Nationality Act authorizes such sums as may be necessary for the refugee program for fiscal year 1992. Funds for fiscal year 1993 were appropriated but never authorized. H.R. 2128 simply changes the authorized years to 1993 and 1994 to comply with the Appropriations Committee's request for an authorization prior to appropriating a supplemental.

This legislation is needed immediately in order to allow a supplemental appropriation for the Office of Refugee Resettlement to move forward. Without this supplemental, the primary Federal program for refugee resettlement will be cut from 8 months of cash and medical assistance for recipients to 3 months.

Such a cut would be devastating for the refugee resettlement program. When we first set up the program through the Refugee Act of 1980, Congress authorized 36 months of resettlement assistance to help these dispossessed persons adjust and become self-sufficient in their new home.

Over the years, the Federal Government has reduced the cash and medical assistance program from 36 months, to 18 months, then to 12 months, and finally to 8 months. Reducing assistance further to 3 months would be tantamount to bringing these refugees into the United States and abandoning them.

H.R. 2128 does not specify authorized dollar amounts. Last year Congress appropriated \$381 million for fiscal 1993 for refugee resettlement. The supplemental appropriation request, which originally was for \$27 million, is now for \$15 million, for a total fiscal 1993 funding level of \$396 million. The budget request for fiscal 1994 is \$420 million.

These figures are not out of line with the fiscal 1992 funding level of \$410 million. In fact, they represent a significant decrease in the Federal Government's share of responsibility for refugee resettlement from what was envisioned in the Refugee Act of 1980.

H.R. 2128 is a simple bill that is nevertheless vital to the refugee resettlement program. The legislation represents our country's continued commitment to the world's refugees who have no hope of returning safely to their home countries. We are doing the right thing by helping these unfortunate people, and they, in turn, are enriching our culture as contributing members of our society.

I urge my colleagues to vote in support of H.R. 2128.

Mr. MCCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. Goss].

Mr. GOSS. Mr. Speaker, I rise in support, somewhat hesitant support, because Florida is overburdened and undercompensated on its fair share of refugee costs.

Mr. Speaker, over the last 40 years, 1 million refugees have entered the United States by way of the State of Florida. It is estimated that at least 85 percent have settled in Florida and I assure you, the trend has not abated. I rise today in the hope that this reauthorization of the Vital Refugee Resettlement Act will bring a new emphasis on the word "partnership" when we refer to the relationship of the Federal and State governments in refugee resettlement. To quote from a letter sent by the Governors of Florida, Texas, California, New York, and Illinois:

The decision to admit immigrants and refugees is strictly a Federal one and therefore carries with it a firm federal commitment to provide full reimbursement to the states for services provided to the immigrant and refugee population.

Sadly, the reverse is true. The Federal Government has cut back its support—covering

fewer numbers of refugees for a shorter period of time. Large border States have been absorbing the bulk of refugee costs for far too long. While I am happy to say that Florida boasts an exemplary refugee program—pulling together a network of voluntary agencies, mutual assistance associations, State and local governments—there is a growing number of people that we are unable to reach. For the people in our network, we have a welfare dependency rate of under 20 percent—accomplished while keeping our administrative cost rate under 10 percent. All of this has been accomplished without the help of any Federal demonstration grants. Unfortunately, these statistics fall far short of meeting the needs of Florida's refugees who crowd our schools, our hospitals, and our labor force. There are still large numbers of elderly refugees who don't know that they qualify for Medicaid—there are children who are not attending school because their parents don't know that they can attend school without papers. We are facing ignorance and unused talents. Nurses, lawyers, and accountants are doing lawn maintenance, housework, and waiting tables because they do not know of an agency that can help them. These people are ready, willing and able to make a significant contribution to our community but we are unable to facilitate their assimilation. If the Federal Government is going to be a partner in the refugee resettlement challenge facing this country, we must stop funding with inflexible and outdated formulas that direct money to States with few refugees and instead, place the emphasis on the States and the people who need it most.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. MAZZOLI] that the House suspend the rules and pass the bill, H.R. 2128.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1820

GOVERNMENT PERFORMANCE AND RESULTS ACT OF 1993

Mrs. MALONEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 826) to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes, as amended.

The Clerk read as follows:

H.R. 826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Performance and Results Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) waste and inefficiency in Federal programs undermine the confidence of the American people in the Federal Government and reduces the Federal Government's ability to address adequately vital public needs;

(2) Federal managers are seriously disadvantaged in their efforts to improve program efficiency and effectiveness, because of insufficient articulation of program goals and inadequate information on program performance; and

(3) congressional policymaking, spending decisions, and program oversight are seriously handicapped by insufficient attention to program performance and results.

(b) PURPOSES.—The purposes of this Act are to—

(1) improve the confidence of the American people in the capability of the Federal Government, by systematically holding Federal agencies accountable for achieving program results;

(2) initiate program performance reform with a series of pilot projects in setting program goals, measuring program performance against those goals, and reporting publicly on their progress;

(3) improve Federal program effectiveness and public accountability by promoting a new focus on results, service quality, and customer satisfaction;

(4) help Federal managers improve service delivery, by requiring that they plan for meeting program objectives and by providing them with information about program results and service quality;

(5) improve congressional decisionmaking by providing more objective information on achieving statutory objectives, and on the relative effectiveness and efficiency of Federal programs and spending; and

(6) improve internal management of the Federal Government.

SEC. 3. STRATEGIC PLANNING.

Chapter 3 of title 5, United States Code, is amended by adding after section 305 the following new section:

*§ 306. Strategic plans

"(a) No later than September 30, 1997, the head of each agency shall submit to the Director of the Office of Management and Budget and the Congress a strategic plan for program activities. Such plan shall contain—

"(1) a comprehensive mission statement covering the major functions and operations of the agency;

"(2) general goals and objectives, including outcome-related goals and objectives, for the major functions and operations of the agency;

"(3) a description of how the general goals and objectives contained in the strategic plan are to be achieved, including a description of the operational processes, skills and technology, and the human, capital, information, and other resources required to meet those goals and objectives;

"(4) a description of how the performance goals included in the plan for the agency required by section 1115(a) of title 31 shall be related to the general goals and objectives contained in the strategic plan;

"(5) an identification of those key factors external to the agency and beyond its control that could significantly affect the achievement of the general goals and objectives contained in the strategic plan; and

"(6) a description of the program evaluations used in establishing or revising general goals and objectives contained in the strategic plan, with a schedule for future program evaluations.

"(b) The strategic plan shall cover a period of not less than five years forward from the fiscal year in which it is submitted, and shall be updated and revised at least every three years.

"(c) The performance plan required for an agency by section 1115 of title 31 shall be consistent with the agency's strategic plan. A performance plan may not be submitted for a fiscal year not covered by a current strategic plan under this section.

"(d) When developing a strategic plan, an agency shall consult with the Congress, and shall solicit and consider the views and suggestions of those entities potentially affected by or interested in such plan.

"(e) The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of strategic plans under this section shall be performed only by Federal employees.

"(f) For purposes of this section the term 'agency' means an Executive agency as that term is defined under section 105, but does not include the Central Intelligence Agency, the General Accounting Office, the Panama Canal Commission, the United States Postal Service, and the Postal Rate Commission.

"(g) For exemptions of agencies from the requirements of this section, see section 1117 of title 31, United States Code."

SEC. 4. ANNUAL PERFORMANCE PLANS AND REPORTS.

(a) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(29) beginning with fiscal year 1999, a Federal Government performance plan for the overall budget as provided for under section 1115."

(b) PERFORMANCE PLANS AND REPORTS.—Chapter 11 of title 31, United States Code, is amended by adding after section 1114 the following new sections:

"§ 1115. Performance plans

"(a) In carrying out the provisions of section 1105(a)(29), the Director of the Office of Management and Budget shall require each agency to prepare and submit to the Director an annual performance plan covering each program activity set forth in the budget of such agency. Such plan shall—

"(1) establish performance goals to define the level of performance to be achieved by a program activity;

"(2) express such goals in an objective, quantifiable, and measurable form unless authorized to be in an alternative form under subsection (b);

"(3) briefly describe the operational processes, skills, and technology, and the human, capital, information, or other resources required to meet the performance goals;

"(4) establish performance indicators to be used in measuring or assessing the relevant outputs, service levels, and outcomes of each program activity;

"(5) provide a basis for comparing actual program results with the established performance goals; and

"(6) describe the means to be used to verify and validate measured values.

"(b) If an agency, in consultation with the Director of the Office of Management and Budget, determines that it is not feasible to express the performance goals for a particular program activity in an objective, quantifiable, and measurable form, the Director of the Office of Management and Budget may authorize an alternative form. Such alternative form shall—

"(1) include separate descriptive statements of—

"(A) a minimally effective program, or

"(B) such alternative as authorized by the Director of the Office of Management and Budget,

with sufficient precision and in such terms that would allow for an accurate, independent determination of whether the program activity's performance meets the criteria of the description; or

"(2) state why it is infeasible or impractical to express a performance goal in any form for the program activity.

"(c) For the purpose of complying with this section, an agency may aggregate or consolidate program activities, except that any aggregation or consolidation may not omit or minimize the significance of any program activity constituting a major function or operation for the agency.

"(d) An agency may submit with its annual performance plan an appendix covering any portion of the plan that—

"(1) is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy; and

"(2) is properly classified pursuant to such Executive order.

"(e) The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of performance plans under this section shall be performed only by Federal employees.

"(f) For purposes of this section, sections 1116 through 1119, and sections 9704 and 9705—

"(1) the term 'agency' has the meaning that term has in section 306(f) of title 5;

"(2) the term 'outcome measure' means an assessment of the results of a program activity compared to its intended purpose;

"(3) the term 'output measure' means the tabulation, calculation, or recording of activity or effort, expressed in a quantitative or qualitative manner;

"(4) the term 'performance goal' means a target level of performance expressed as a tangible, measurable objective, against which actual achievement can be compared, including a goal expressed as a quantitative standard, value, or rate;

"(5) the term 'performance indicator' means a particular value or characteristic used to measure output or outcome;

"(6) the term 'program activity' means a specific activity or project as listed in the program and financing schedules of the annual budget of the United States Government; and

"(7) the term 'program evaluation' means an assessment, through objective measurement and systematic analysis, of the manner and extent to which Federal programs achieve intended objectives.

"§ 1116. Program performance reports

"(a) No later than March 31, 2000, and no later than March 31 of each year thereafter, the head of each agency shall prepare and submit to the President and the Congress, a report on program performance for the previous fiscal year.

"(b)(1) Each report on program performance shall set forth the performance indicators established in the agency performance plan under section 1115, along with the actual program performance achieved compared with the performance goals expressed in the plan for that fiscal year.

"(2) If performance goals are specified in an alternative form pursuant to section 1115(b), the results of such program shall be described in relation to such specifications.

"(c) The report on program performance for fiscal year 2000 shall include actual results for the preceding fiscal year, the report

for fiscal year 2001 shall include actual results for the two preceding fiscal years, and the report for fiscal year 2002 and all subsequent reports shall include actual results for the three preceding fiscal years.

"(d) Each report on program performance shall—

"(1) review the success of achieving the performance goals of the fiscal year covered by the report;

"(2) evaluate the performance plan for the current fiscal year relative to the performance achieved toward the performance goals in each fiscal year covered by the report;

"(3) explain and describe, where a performance goal has not been met—

"(A) why the goal was not met;

"(B) those plans and schedules for achieving the established performance goal; and

"(C) if the performance goal is impractical or infeasible, why that is the case and what action is recommended;

"(4) describe the use and assess the effectiveness in achieving performance goals of any waiver under section 9704 of this title; and

"(5) include the summary findings of those program evaluations completed during each fiscal year covered by the report.

"(e) An agency head may include all program performance information required annually under this section in an annual financial statement required under section 3515 if any such statement is submitted to the Congress no later than March 31 of the applicable fiscal year.

"(f) The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of reports on program performance under this section shall be performed only by Federal employees.

"(g) For definitions applicable under this section, see section 1115.

"§ 1117. Exemptions

"(a) The Director of the Office of Management and Budget may exempt from the requirements of sections 1115 and 1116 of this title and section 306 of title 5, any agency with annual outlays of \$20,000,000 or less.

"(b) For definitions applicable under this section, see section 1115."

SEC. 5. MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.

Chapter 97 of title 31, United States Code, is amended by adding after section 9703 the following new section:

"§ 9704. Managerial accountability and flexibility

"(a) Beginning with fiscal year 1999, the performance plans required under section 1115 may include proposals to waive administrative procedural requirements and controls (other than requirements under section 553 of title 5), including specification of personnel staffing levels, limitations on compensation or remuneration, and prohibitions or restrictions on funding transfers among budget object classification 20 and subclassifications 11, 12, 31, and 32 of each annual budget submitted under section 1105, in return for specific individual or organization accountability to achieve a performance goal. In preparing and submitting the performance plan under section 1105(a)(29), the Director of the Office of Management and Budget shall review and may approve any proposed waivers. A waiver shall take effect at the beginning of the fiscal year for which the waiver is approved.

"(b) Any such proposal under subsection (a) shall describe the anticipated effects on performance resulting from greater manage-

rial or organizational flexibility, discretion, and authority, and shall quantify the expected improvements in performance resulting from any waiver. The expected improvements shall be compared to current actual performance, and to the projected level of performance that would be achieved independent of any waiver.

"(c) Any proposal waiving limitations on compensation or remuneration shall precisely express the monetary change in compensation or remuneration amounts, such as bonuses or awards, that shall result from meeting, exceeding, or failing to meet performance goals.

"(d) Any proposed waiver of procedural requirements or controls imposed by an agency (other than the proposing agency or the Office of Management and Budget) may not be included in a performance plan unless it is endorsed by the agency that established the requirement, and any such endorsement shall be included in the proposing agency's performance plan.

"(e) A waiver shall be in effect for one or two years, as specified by the Director of the Office of Management and Budget in approving the waiver. A waiver may be renewed for a subsequent year. After a waiver has been in effect for three consecutive years, the performance plan prepared under section 1115 may propose that a waiver, other than a waiver of limitations on compensation or remuneration, be made permanent.

"(f) For definitions applicable under this section, see section 1115."

SEC. 6. PILOT PROJECTS.

(a) PERFORMANCE PLANS AND REPORTS.—Chapter 11 of title 31, United States Code, is amended by adding after section 1117 (as added by section 4 of this Act) the following new section:

"§ 1118. Pilot projects for performance goals

"(a) The Director of the Office of Management and Budget, after consultation with the head of each agency, shall designate not less than ten agencies as pilot projects in performance measurement for fiscal years 1994, 1995, and 1996. The selected agencies shall reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

"(b) Pilot projects in the designated agencies shall undertake the preparation of performance plans under section 1115, and program performance reports under section 1116, other than section 1116(c), for one or more of the major functions and operations of the agency. A strategic plan shall be used when preparing agency performance plans during one or more years of the pilot period.

"(c) No later than May 1, 1997, the Director of the Office of Management and Budget shall submit a report to the President and the Congress which shall—

"(1) assess the benefits, costs, and usefulness of the plans and reports prepared by the pilot agencies in meeting the purposes of the Government Performance and Results Act of 1993;

"(2) identify any significant difficulties experienced by the pilot agencies in preparing plans and reports; and

"(3) set forth any recommended changes in the requirements of the provisions of Government Performance and Results Act of 1993, section 306 of title 5, sections 1105, 1115, 1116, 1117, 1119 and 9704 of this title, and this section.

"(d) For definitions applicable under this section, see section 1115."

(b) MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.—Chapter 97 of title 31, United States Code, is amended by adding after sec-

tion 9704 (as added by section 5 of this Act) the following new section:

"§ 9705. Pilot projects for managerial accountability and flexibility

"(a) The Director of the Office of Management and Budget shall designate not less than five agencies as pilot projects in managerial accountability and flexibility for fiscal years 1995 and 1996. Such agencies shall be selected from those designated as pilot projects under section 1118 and shall reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

"(b) Pilot projects in the designated agencies shall include proposed waivers in accordance with section 9704 for one or more of the major functions and operations of the agency.

"(c) The Director of the Office of Management and Budget shall include in the report to the President and to the Congress required under section 1118(c)—

"(1) an assessment of the benefits, costs, and usefulness of increasing managerial and organizational flexibility, discretion, and authority in exchange for improved performance through a waiver; and

"(2) an identification of any significant difficulties experienced by the pilot agencies in preparing proposed waivers.

"(d) For definitions applicable under this section, see section 1115."

(c) PERFORMANCE BUDGETING.—Chapter 11 of title 31, United States Code, is amended by adding after section 1118 (as added by section 6 of this Act) the following new section:

"§ 1119. Pilot projects for performance budgeting

"(a) The Director of the Office of Management and Budget, after consultation with the head of each agency, shall designate not less than five agencies as pilot projects in performance budgeting for fiscal years 1998 and 1999. At least three of the agencies shall be selected from those designated as pilot projects under section 1118, and shall also reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

"(b) Pilot projects in the designated agencies shall cover the preparation of performance budgets. Such budgets shall present, for one or more of the major functions and operations of the agency, the varying levels of performance, including outcome-related performance, that would result from different budgeted amounts.

"(c) The Director of the Office of Management and Budget shall include, as an alternative budget presentation in the budget submitted under section 1105 for fiscal year 1999, the performance budgets of the designated agencies for this fiscal year.

"(d) No later than March 31, 2001, the Director of the Office of Management and Budget shall transmit a report to the President and to the Congress on the performance budgeting pilot projects which shall—

"(1) assess the feasibility and advisability of including a performance budget as part of the annual budget submitted under section 1105;

"(2) describe any difficulties encountered by the pilot agencies in preparing a performance budget;

"(3) recommend whether legislation requiring performance budgets should be proposed and the general provisions of any legislation; and

"(4) set forth any recommended changes in the other requirements of the Government Performance and Results Act of 1993, section

306 of title 5, sections 1105, 1115, 1116, 1117, and 9704 of this title, and this section.

"(e) For definitions applicable under this section, see section 1115."

SEC. 7. CONGRESSIONAL OVERSIGHT AND LEGISLATION.

(a) IN GENERAL.—Nothing in this Act shall be construed as limiting the ability of the Congress to establish, amend, suspend, or annul a performance goal. Any such action shall have the effect of superseding that goal in the plan submitted under section 1105(a)(29) of title 31, United States Code, as amended by this Act.

(b) GAO REPORT.—No later than June 1, 1997, the Comptroller General of the United States shall report to the Congress on the implementation of this Act, including the prospects for compliance by Federal agencies beyond those participating as pilot projects under sections 1118 and 9705 of title 31, United States Code.

SEC. 8. TRAINING.

The Office of Personnel Management shall, in consultation with the Director of the Office of Management and Budget and the Comptroller General of the United States, develop a strategic planning and performance measurement training component for its management training program and otherwise provide managers with an orientation on the development and use of strategic planning and program performance measurement.

SEC. 9. RULE OF CONSTRUCTION.

No provision or amendment made by this Act may be construed as—

(1) creating any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in such capacity; or

(2) superseding any statutory requirement, including any requirement under section 553 of title 5, United States Code.

SEC. 10. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENT TO TITLE 5, UNITED STATES CODE.—The table of sections for chapter 3 of title 5, United States Code, is amended by adding after the item relating to section 305 the following:

"306. Strategic plans."

(b) AMENDMENTS TO TITLE 31, UNITED STATES CODE.—

(1) AMENDMENT TO CHAPTER 11.—The table of sections for chapter 11 of title 31, United States Code, is amended by adding after the item relating to section 1114 the following:

"1115. Performance plans.

"1116. Program performance reports.

"1117. Exemptions.

"1118. Pilot projects for performance goals.

"1119. Pilot projects for performance budgeting."

(2) AMENDMENT TO CHAPTER 97.—The table of sections for chapter 97 of title 31, United States Code, is amended by adding after the item relating to section 9703 the following:

"9704. Managerial accountability and flexibility.

"9705. Pilot projects for managerial accountability and flexibility."

The SPEAKER pro tempore (Mr. McNULTY). Pursuant to the rule, the gentlewoman from New York [Mrs. MALONEY] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from New York [Mrs. MALONEY].

GENERAL LEAVE

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

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

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

There was no objection.

Mrs. MALONEY. Mr. Speaker, the Government Performance and Results Act is a major step toward reinventing the way our Government operates. With this legislation, we have a unique opportunity to make fundamental changes in the way the Federal Government does business. No longer can we tolerate a structure, culture, and lack of leadership that allows waste and mismanagement to dominate the Federal agencies.

This opportunity is unique for several reasons. Most important, we have a President who is committed to making our Government work more efficiently and effectively. He and his administration strongly support H.R. 826, and have urged its passage.

H.R. 826 will be a force in making fundamental changes in the Federal bureaucracy. The purpose of H.R. 826 is to improve the efficiency and effectiveness of Federal programs by establishing a system to set goals for program performance and to measure results.

Mr. Speaker, rather than justify budgets with abstract bureaucratic actions, we are going to start telling the American people exactly what kind of bang they are going to get for their dollars and hold ourselves accountable when we do not meet our goals. This is a profound cultural change in how our Government operates.

Beginning in 1994 this act requires the Office of Management and Budget to select 10 agencies to perform pilot projects for 3 years on developing strategic plans. These 5-year strategic plans must outline an agency's mission, general goals, and objectives, and include a description of how the goals and objectives will be achieved.

OMB will also select five agencies to perform pilot projects for 2 years on managerial flexibility. The pilots will assess the benefits, costs, and usefulness of increasing managerial and organizational flexibility, discretion, and authority. Managers will be given the opportunity to waive certain administrative procedural requirements, such as, specifying personnel staffing levels, placing limitations on compensation or remuneration, and transferring money between specified accounts, in return for more accountability by line managers. Managers will not be able to supersede any regulatory or statutory requirements under this act.

In 1997, OMB will report to Congress on the pilot projects. Also at that time,

all agencies will begin submitting 5-year strategic plans, and annual performance plans to OMB. At the same time, OMB will select five agencies to begin pilot projects on performance-based budgeting. By the year 2000, all agencies will be submitting annual performance reports with the budget, preparing for the process of performance-based budgeting. OMB will then set forth any recommendations to Congress whether legislation requiring performance budgets should be proposed, and the general provisions of such legislation.

Today, Federal managers are impaired in their efforts to improve program efficiency and effectiveness because of a lack of program goals and performance measurement. As they work to provide services to the public, they feel the budgeter's wrath to perform more with less, while not being given the adequate information or the tools to improve the program. This act will not only give managers critical performance information, but also managerial flexibility, a tool allowing managers to adapt to changing conditions.

Moreover, policymakers will also benefit from measuring a program's performance by allowing authorization and appropriation committees to be able to answer very basic questions: Is this program working? and if not, what will it take to fix it?

This legislation enjoys broad bipartisan support in both Houses of Congress. In addition, the Administration, the General Accounting Office, and many public policy groups, have endorsed H.R. 826. I would like to acknowledge the hard work and efforts of Mr. JOHN CONYERS, the chairman of the Committee on Government Operations, and Mr. BILL CLINGER, its ranking minority member, for crafting this legislation and moving it quickly through the process to where it is today.

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

Mr. Speaker, the last several years have helped the Congress, and more important, the American people understand that we must start expecting more for less from the Federal Government. Among my goals as Republican chairman of the House Government Operations Committee is to help bring efficiency and effectiveness to the Nation's public programs. "Reinventing Government" is how author David Osborne referred to the pioneering of this new form of governance. Simply translated, it is the task of rebuilding faith in the Federal Government's ability to effectively carry out its missions.

The goal of reinventing government takes a giant leap forward today with the consideration H.R. 826, the Government Performance and Result Act of 1993. Under the mandates of this act, Federal program managers will, for the

first time, be asked to document the successes of their programs and, eventually, tie their program's success to their annual budgets. H.R. 826 requires agencies to develop measurable program performance goals and to report their actual progress toward achieving those goals. This would begin with 10 pilot projects and phased in over several years. By the year 2000, all agencies would publish strategic plans, identifying measurable performance goals, and report annually on whether they are achieving those goals and, if not, why not.

Most important, a number of agencies will be tying their success in achieving their performance goals directly to their budget requests. The use of this information in the appropriation process is limitless. Despite the relative lack of press attention this proposal has received, no other legislation will have a greater impact on the lives of Government program managers as the Government Performance and Results Act of 1993.

The key to its success, however, will be Congress' willingness to use this performance data in allocating appropriations. Without a fundamental acceptance of performance measurement goals and achievements by our colleagues on the the House and Senate Appropriations Committees, this entire effort will be for naught.

In addition to calling on our colleagues to support this effort, I also want to express my gratitude to the parties that have worked so hard over so many years to put together this substantial management reform legislation. Namely, U.S. Senator WILLIAM ROTH and his staff pieced together the first versions of this legislation over 4 years ago. Since that time, the Senator has worked tirelessly to promote the creation of a Government performance measurement system.

Shortly after Senator ROTH introduced his original bill, staffs at the General Accounting Office, the Office of Management and Budget, and several executive branch agencies began exploring and experimenting with several forms of performance measurement systems. Indeed, most of the language included in H.R. 826, and the final version of S. 20 in the Senate, was negotiated with the Office of Management and Budget [OMB] during the final days of the Bush administration. To their credit, OMB officials in this administration have also lent support to this effort and have called upon Congress to enact its provisions.

Several of the organizations supporting this bill sent officials to several States and other countries to review their performance measurement practices. The results of these efforts have been a tremendous amount of research material which is now available to agencies to help them in implementing the requirements of H.R. 826

Finally, as Senator ROTH's legislation was considered in the House, through the language of H.R. 826, Members from both sides of the political aisle stood together for effective Government management reform. Very infrequently has the majority and minority parties stood together in unison as they have in passing this important Government management legislation. It is my hope that this cooperation will be repeated frequently on matters before the Government Operations Committee.

I thank Government Operations Committee chairman, the gentleman from Michigan, [Mr. CONYERS], for bringing this bill to the House floor in such a timely manner and thank my colleagues for their support for this vitally important performance measurement legislation.

□ 1830

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. FRANKS].

Mr. FRANKS of New Jersey. Mr. Speaker, I rise in support of H.R. 826, the Government Performance and Results Act of 1993. As we consider this week the tax and spend provisions contained in the reconciliation bill, it is truly refreshing to pause for a moment to actually consider improving how Government works for the American people.

I welcome this bill and the opportunity it represents to train our Government agencies to review, assess, and improve the programs they deliver to our citizens. This issue of improving the delivery of Government service is one personally important to me, as I was a sponsor of similar legislation during my tenure in the New Jersey State Legislature. I also recently introduced my own Government performance review bill, H.R. 2245, which would establish a permanent commission to schedule and direct performance reviews for all major agencies of the Federal Government.

Mr. Speaker, I believe H.R. 826 represents an important first step toward improving the efficiency of the Federal bureaucracy. Today, the American people are highly suspicious and increasingly cynical about how their Government spends their hard-earned tax dollars. This legislation can begin to reverse that perception.

Mr. Speaker, I commend the work of Chairman CONYERS and ranking minority member CLINGER for bringing this bill to the floor in an expedited fashion. I urge all of my colleagues to vote "yea" on this needed legislation.

Mr. CLINGER. Mr. Speaker, I thank the gentleman from New Jersey [Mr. FRANKS].

Mr. ZELIFF. Mr. Speaker, I rise in support of H.R. 826, the Government Performance and Results Act of 1993. Ever since I was elected to Congress in 1990, I have been fighting to

achieve a government that is more accountable and more responsible to the American taxpayers.

Time and time again, we in Congress hear nightmarish stories of government waste and abuse. We hear about Federal employees who read books all day long—and get paid for it.

We hear about hammers and toilet seats that cost thousands of dollars. We must seek to force Government agencies to do what any business would do—create solid plans of action and analyze past performance.

That is why I am proud to be a cosponsor of Chairman CONYERS' bill to do just that. I hope that this legislation will be the start of a new era in American Government. The Government Performance and Results Act will, for the first time, require Federal agencies to tell the American people what results they have achieved with their tax dollars.

In these days of skyrocketing Federal budget deficits, we must be careful about how we appropriate every penny the Government takes in. We must be absolutely certain that the dollars we are spending are giving us a quality product in return. I believe that this legislation will help us do that.

As a small businessman, I realize how important it is in the private sector to require regular performance reviews. No business in America could survive if it were operated with the reckless fiscal abandon that so often characterizes government programs. I hope to see a Federal Government that operates more like my small businesses.

With this legislation, the Office of Management and Budget [OMB] would help to create pilot projects throughout the Federal bureaucracy. Each of these projects would outline the project's goals and objectives in a 5-year strategy plan. The bill requires the programs to develop concrete plans of action—detailing exactly how the goals will be met.

More importantly, the Government Performance and Results Act requires the pilot programs to generate annual reports explaining the successes and failures in accomplishing each milestone and goal during the past 12 months. The Congress could then use these accountability measures to help determine future funding levels.

In effect, spending for Federal programs would be directly tied to their effectiveness. In so doing, we would finally begin to make government accountable to the people.

It is my sincere hope that the Congress can continue to work with the executive branch to encourage more creativity and responsibility from Federal programs. In these days of fiscal austerity, we all must be willing to conserve the taxpayers' dollars and to seek new ways to achieve more effective government.

H.R. 826, the Government Performance and Results Act, will be the first step toward achieving true accountability in government.

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

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

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentlewoman from New York [Mrs. MALONEY] that the

House suspend the rules and pass the bill, H.R. 826, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to provide for the establishment of strategic planning and performance measurement in the Federal Government, and for other purposes."

A motion to reconsider was laid on the table.

GOVERNMENT PRINTING OFFICE ELECTRONIC INFORMATION ACCESS ENHANCEMENT ACT OF 1993

Mr. KLECZKA. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 564) to establish in the Government Printing Office a means of enhancing electronic public access to a wide range of Federal electronic information.

The Clerk read as follows:

S. 564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Printing Office Electronic Information Access Enhancement Act of 1993".

SEC. 2. AMENDMENTS TO TITLE 44, UNITED STATES CODE.

(a) IN GENERAL.—Title 44, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 41—ACCESS TO FEDERAL ELECTRONIC INFORMATION

"Sec.

"4101. Electronic directory; online access to publications; electronic storage facility.

"4102. Fees.

"4103. Biennial report.

"4104. Definition.

"§ 4101. Electronic directory; online access to publications; electronic storage facility

(a) IN GENERAL.—The Superintendent of Documents, under the direction of the Public Printer, shall—

"(1) maintain an electronic directory of Federal electronic information;

"(2) provide a system of online access to the Congressional Record, the Federal Register, and, as determined by the Superintendent of Documents, other appropriate publications distributed by the Superintendent of Documents; and

"(3) operate an electronic storage facility for Federal electronic information to which online access is made available under paragraph (2).

"(b) DEPARTMENTAL REQUESTS.—To the extent practicable, the Superintendent of Documents shall accommodate any request by the head of a department or agency to include in the system of access referred to in subsection (a)(2) information that is under the control of the department or agency involved.

"(c) CONSULTATION.—In carrying out this section, the Superintendent of Documents shall consult—

"(1) users of the directory and the system of access provided for under subsection (a); and

"(2) other providers of similar information services.

The purpose of such consultation shall be to assess the quality and value of the directory and the system, in light of user needs.

"§ 4102. Fees

"(a) IN GENERAL.—The Superintendent of Documents, under the direction of the Public Printer, may charge reasonable fees for use of the directory and the system of access provided for under section 4101, except that use of the directory and the system shall be made available to depository libraries without charge. The fees received shall be treated in the same manner as moneys received from sale of documents under section 1702 of this title.

"(b) COST RECOVERY.—The fees charged under this section shall be set so as to recover the incremental cost of dissemination of the information involved, with the cost to be computed without regard to section 1708 of this title.

"§ 4103. Biennial report

"Not later than December 31 of each odd-numbered year, the Public Printer shall submit to the Congress, with respect to the two preceding fiscal years, a report on the directory, the system of access, and the electronic storage facility referred to in section 4101(a). The report shall include a description of the functions involved, including a statement of cost savings in comparison with traditional forms of information distribution.

"§ 4104. Definition

"As used in this chapter, the term 'Federal electronic information' means Federal public information stored electronically."

(b) CLERICAL AMENDMENT.—The table of chapters for title 44, United States Code, is amended by adding at the end the following new item:

"41. Access to Federal Electronic Information 4101".

SEC. 3. STATUS REPORT.

Not later than June 30, 1994, the Public Printer shall submit to the Congress a report on the status of the directory, the system of access, and the electronic storage facility referred to in section 4101 of title 44, United States Code, as added by section 2(a).

SEC. 4. SPECIAL RULES.

(a) OPERATIONAL DEADLINE.—The directory, the system of access, and the electronic storage facility referred to in section 4101 of title 44, United States Code, as added by section 2(a), shall be operational not later than one year after the date of the enactment of this Act.

(b) FIRST BIENNIAL REPORT.—The first report referred to in section 4103 of title 44, United States Code, as added by section 2(a), shall be submitted not later than December 31, 1995.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. KLECZKA] will be recognized for 20 minutes, and the gentleman from California [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. KLECZKA].

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

Mr. Speaker, I want to commend my colleagues, Mr. ROSE, Mr. GEJDENSON, Mr. THOMAS, Mr. GINGRICH, and Mr. ROBERTS, for introducing the identical House bill, H.R. 1328. I am delighted to manage the measure on the floor today.

This bill does the following:

First, the bill provides for online access to the CONGRESSIONAL RECORD, the Federal Register, and other publications distributed by the Superintendent of Documents.

Second, it provides for the establishment of an electronic directory of Federal public information stored electronically.

And third, it provides for an electronic storage facility.

In addition, the bill requires the Superintendent of Documents to distribute agency electronic information at the request of the issuing agency.

Fees for access to the directory and the system, including information stored in the electronic storage facility, are required to approximate the incremental cost of dissemination of the information. The one exception is that depository libraries will be able to access the directory, and system provided for in the bill, including the information stored in the electronic storage facility, free of charge.

The bill requires the Public Printer to report on the directory, the system access, and the electronic storage facility not later than December 31 of each odd numbered year. The report is to include an analysis of cost savings in comparison with traditional forms of information distribution.

This bill is, in essence, a test as to whether GPO has the capacity to effectively assist the public in electronically accessing information which it already produces in hard copy, and such other information as an agency may request.

The GPO is directed to achieve the objectives of the bill through cost savings elsewhere in its appropriated funds, so the bill does not authorize additional appropriations.

The timing is right, and I hope all Members will support this bill.

Mr. Speaker, I include the following letters:

COMMITTEE ON HOUSE ADMINISTRATIONS,
Washington, DC, May 25, 1993.

HON. JOHN CONYERS,
Chairman Committee on Government Operations,
Washington, DC.

DEAR CHAIRMAN: Thank you for your recent letter concerning the Government Printing Office Electronic Information Act of 1993 (H.R. 1328 and S. 564).

This Committee appreciates your Committee's decision not to seek referral of H.R. 1328 and S. 564, so that the bills can be considered by the House of Representatives.

This committee acknowledges that the Federal Register Act was handled by your committee.

With my very best wishes,
Sincerely,

CHARLIE ROSE,
Chairman.

COMMITTEE ON
GOVERNMENT OPERATIONS,
Washington, DC, May 25, 1993.

HON. CHARLIE ROSE,
Chairman Committee on House Administration,
Washington, DC.

DEAR MR. CHARLIE: Part of H.R. 1328 and S. 564 (identical bills), "The Government Print-

ing Office Electronic Information Access Enhancement Act of 1993," addresses matters within the jurisdiction of the Committee on Government Operations. The bills, as reported by the Committee on House Administration on April 1, 1993 and May 25, 1993, amend Title 44 to require the Superintendent of Documents to establish a system for public use which allows "online" access to an electronically stored Congressional Record, Federal Register, and other public documents. The bills also direct the Superintendent to establish reasonable fees for access to these documents.

Thus, H.R. 1328 and S. 564 have the effect of amending the Federal Register Act, which governs the printing, content, distribution, and price of the Federal Register. 44 USC section 1504. The Committee on Government Operations has jurisdiction over the Federal Register Act.

As a result of discussions between our two Committees since the filing of the reports, I have agreed not to seek a sequential referral of H.R. 1328 and S. 564 so that the bills can be considered by the House of Representatives.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

Mr. THOMAS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 564 is the Senate version of a measure that has moved through both the House and the Senate.

The primary purpose of the bill is to increase the access of the public to public information that the Federal Government holds and to have that access be in electronic form.

This is truly a bipartisan effort to make changes that in our opinion are long overdue.

The gentleman from Wisconsin quite correctly outlined what the bill is going to do. What I want to do for a minute is talk about what the bill is not going to do. There is nothing in the bill that authorizes the Superintendent of Documents to impose conditions or requirements on the creation, dissemination, re-dissemination, use or re-use of Federal electronic information or electronic directories by Federal agencies or the public. We are not creating a clearinghouse, an approval ground, an editing structure. We are creating a through-channel so that the public can access public information.

In addition to that, Mr. Speaker, nothing in this legislation should be construed so as to authorize an increase in funding. Rather, it is the intent of the committee that the Government Printing Office implement the system of access, the electronic directory, and the electronic storage facility within the current Government Printing Office budget. Such a requirement should compel the Government Printing Office to find cost savings from existing services.

As I said, Mr. Speaker, it is long overdue for the public to have direct electronic access to public information. This bill provides it in an effi-

cient, foolproof, and financially reasonable method.

Mr. Speaker, I would ask my colleagues to approve this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. KLECZKA] that the House suspend the rules and pass the Senate bill, S. 564.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KLECZKA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on S. 564, the Senate bill just passed.

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

There was no objection.

DISMISSING THE ELECTION CONTEST AGAINST JAY DICKEY

Mr. KLECZKA, from the Committee on House Administration, reported the following privileged resolution (H. Res. 182, Rept. No. 103-109) dismissing the election contest against JAY DICKEY, which was referred to the House Calendar and ordered to be printed:

H. RES. 182

Resolved, That the election contest of Bill McCuen, contestant, against Jay Dickey, contestee, relating to the office of Representative from the Fourth Congressional District of Arkansas, is dismissed.

□ 1840

Mr. KLECZKA. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the resolution (H. Res. 182) dismissing the election contest against JAY DICKEY.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. KLECZKA] is recognized for 1 hour.

Mr. KLECZKA. Mr. Speaker, I yield the customary half hour, for the purpose of debate only, to the ranking member of the contested election task

force and the full Committee on House Administration, the gentleman from California [Mr. THOMAS], pending which I yield myself such time as I may consume.

Mr. Speaker, to provide the House with a little background, on Tuesday, November 3, 1992, the general election for the Fourth Congressional District in the State of Arkansas was held. This is a largely rural district consisting of 26 counties in the southern half of the State.

The initial results of this election had JAY DICKEY, the Republican candidate, leading Bill McCuen, the Democrat, by 10,093 votes.

On December 4, 1992, Mr. McCuen filed a notice of election contest with the Clerk of the House, based on two contentions: First, that the ballot and voting machines misled voters, and, second, that defective voting machines produced inaccurate totals.

On December 5, 1992, Mr. McCuen filed an amended notice of election contest with the Clerk, providing additional information and arguments in support of his two initial contentions, and providing documentary evidence and exhibits.

Mr. Speaker, on January 27, 1993, pursuant to House Administration Committee rule 16, the chairman of the committee, Mr. ROSE, created a task force to review the election contest. This task force was charged with reviewing the documentary record, receiving oral arguments, and recommending to the committee the disposition of an election contest filed pursuant to 2 U.S.C. 381 through 396, by Mr. McCuen.

The House is given its authority to judge election returns, primarily from article I, section 5 of the Constitution which provides that: "Each House shall be the judge of the elections, returns, and qualifications of its own members. * * *." This provision, taken with section 4 or article I, invest in Congress near complete authority to establish procedures and render final decisions relating to the election of its Members.

Although the House could assume complete responsibility for resolving election contests, to date it has declined to do so. Instead, both Chambers have recognized and relied upon State contest and recount procedures to clarify and resolve issues relating to election contests. The State of Arkansas, in this case, however, has chosen not to assert its jurisdiction.

In fact, the Governor of Arkansas, in his letter to the Clerk of the House, certifying the results of the Fourth Congressional District race, stated:

The enclosed certification should not be interpreted as my position on the merits of the contest. In fact, I am greatly disturbed by the apparent defects in the voting machines in Garland County and by the finding of the Garland County Circuit Court that the voting machines have errors and faults.

Thus, it became the House's obligation to resolve this matter.

I was appointed to chair this task force, which also consisted of Mr. THOMAS of California and the gentleman from Michigan, Mr. KILDEE.

On Thursday, February 4, the task force met and heard testimony on Mr. DICKEY's motion to dismiss the contest. Upon review of the arguments presented by contestant and the contestee, the task force unanimously agreed to recommend dismissal, thus reaffirming JAY DICKEY as the duly elected Member of Congress from the Fourth Congressional District of Arkansas.

Mr. Speaker, the members of the task force unanimously agreed that the contestant's allegations were not sufficiently specific to put into serious question either the results of the election, or the propriety of the actions of election and other State and local officials in the conduct of the election, so as to justify proceeding further with an election contest.

It should be noted that in contested election proceedings in the House, the contestant always has the burden of specifically alleging, and supporting with documentation, irregularities sufficient to change the outcome of the election. The contestant must also demonstrate that he is entitled to the seat. If the contestant fails to meet this burden, the Committee on House Administration may suggest dismissal of the contest.

On Wednesday, March 17, the full Committee on House Administration concurred in the task force's decision that the contestant failed to sustain his burden with evidence sufficient to overcome a motion to dismiss. It accordingly moved to favorably report an original resolution dismissing this election contest.

It is therefore the finding of the committee that contestee JAY DICKEY received the highest number of votes cast in the election and was duly elected by the voters of the Fourth Congressional District of the State of Arkansas.

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

Mr. THOMAS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, about a decade ago I addressed the floor of the House on another contested election. I think it is significant to note the differences between the one we have before us today and that one of a decade ago.

The gentleman from Wisconsin [Mr. KLECZKA] correctly pointed out that this was brought to the floor under the Contested Election Act and that we examined the contention of irregularities in the race according to Arkansas law. Over a decade ago, Mr. Speaker, we did not do that. We examined a contest in Indiana brought to the task force by resolution in which a set of rules that

existed nowhere in the world, in any State, and especially in the State of Indiana, was used to examine a series of ballots, and that through sheer force of partisan majority an election that had been certified by the secretary of state of Indiana was overturned. I am pleased to say that today we have an election in front of us that was certified by the secretary of state of Arkansas who, by coincidence, happened to be the opponent in this case, Mr. McCuen. And we examined his contentions about whether or not there were irregularities in the ballots, in the voting machines, and in the manner in which people voted in those voting machines in particular areas.

Mr. Speaker, there was an extensive hearing. Evidence was presented. Numerous questions were asked. Followup information was presented. And the chairman, the gentleman from Wisconsin [Mr. KLECZKA], the gentleman from Michigan [Mr. KILDEE], and myself exhausted our questions, and to our satisfaction none of the allegations about irregularities in the election were proved. Under the law of the State of Arkansas our colleague, Mr. DICKEY, was duly elected.

So, Mr. Speaker, it is with extreme pleasure that I come before the Members today and support the majority in asking unanimous consent to move forward House Resolution 182 which finally puts the election contest against Mr. DICKEY to rest, a contest that never should have been presented, that never had credible evidence to carry it forward, and that put a taint on his election by the people in Arkansas.

The answer is: Mr. DICKEY won the election day, he won on the recount, he won on the challenge in the court, and he won in front of the task force. It seems to me the gentleman from Arkansas [Mr. DICKEY] has been certified more than any other Member of the House, that he truly won that election, and it is about time we move forward with saying so formally, and so I am pleased to ask my colleagues to support House Resolution 182.

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

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

Mr. Speaker, after the last comments by the gentleman from California [Mr. THOMAS] I am thinking of withdrawing the resolution. Let us keep the hype up for the gentleman from Arkansas [Mr. DICKEY]. But I will not do so, Mr. Speaker.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1850

GENERAL LEAVE

Mr. KLECZKA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on House Resolution 182.

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

There was no objection.

LYME DISEASE AWARENESS WEEK

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 43) designating the week beginning June 6, 1993, and June 5, 1994, "Lyme Disease Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN], who is one of the chief sponsors of H.J. Res. 92.

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in support of a joint resolution designating the week beginning June 6, 1993 and June 5, 1994, as "Lyme Disease Awareness Week." I would also like to commend the gentleman from New York [Mr. HOCHBRUECKNER] for introducing this important resolution.

Mr. HOCHBRUECKNER has been a leader in our Congressional efforts to educate our Nation with regard to the dangers of Lyme disease.

Lyme disease, as you may know, is transmitted by a small, little-known tick species which have become abundant in a large part of my district. In 1982, there were 60 reported cases of Lyme disease in my district; by 1989, there were 1,731 cases and the actual number may be several times higher. Over the past years the number of reported cases have increased not decreased.

Although Lyme disease was first officially reported just 15 years ago in Lyme, CT, it has fast become the most common tick-borne disease and one of the fastest spreading infectious diseases in the United States. If treated early, the disease can be cured by antibiotic therapy; however, early diagnosis is often thwarted by the disease's resemblance to the Flu and other less dangerous ailments. Indeed, without early treatment, a victim of Lyme disease can expect severe arthritis, heart disease, or neurological complications. Later effects, often occurring months

or years after the initial onset of the disease, include destructive arthritis and chronic neurological disease. If it were not for AIDS, Lyme disease would be the No. 1 infectious disease facing us today.

I believe the primary way to control Lyme disease is by educating the public on how to take precautions against tick bites and by being aware of symptoms associated with the disease.

Mr. Speaker, I want to take this opportunity to commend the New York Medical College in Valhalla, NY for their extensive, significant Lyme disease research.

I feel June 6, 1993, is an appropriate time to inform the public of Lyme disease and its dangers. As a representative of the people in my district, it is in their best interest to educate them of the dangers involved.

Mr. HOCHBRUECKNER. Mr. Speaker, as the Member of Congress representing the area with the most cases of Lyme disease in the country, I am delighted that the House is considering legislation that will designate the weeks of June 6, 1993 and June 5, 1994 as "Lyme Disease Awareness Week." The Senate approved identical legislation introduced by Senator JOSEPH LIEBERMAN of Connecticut on March 26, 1993. I appreciate this opportunity to provide my colleagues with some background on this disease, and why the designation of this week is so important.

Lyme disease is a bacterial infection that is spread by the deer tick, which is slightly smaller than the dog tick. Although Lyme disease was first officially reported just 18 years ago in Lyme, Connecticut, it has fast become the most common tick-borne disease and one of the fastest spreading infectious diseases in the United States. Once considered to be a regional problem found in the Northeast, 49 of the 50 states have now reported cases of Lyme disease.

The deer tick lives in grasses along the shore, in fields, and at the edge of woodlands. Many people on eastern Long Island have expressed concern about going to the beach, taking a walk in the woods, or sitting in their own backyard for fear of getting this debilitating disease.

Many people never even know that they have been bitten by a tick. The parasite can attach itself, feed, detach itself and lay its eggs all without the host's knowledge. In addition, due to its ability to mimic the symptoms of other ailments, a person may be left clueless as to the cause of his or her ailment. Lyme disease is often mistaken for other illnesses such as ringworm, influenza, arthritis, or heart disease. However, if left untreated Lyme disease can cause partial facial paralysis, meningitis, encephalitis, and abnormal slowing of the heartbeat, severe headaches and depression, destructive arthritis, memory loss, and chronic fatigue.

As early treatment of Lyme disease is the key to warding off its worst effects, and as there is currently no vaccine for Lyme disease, the best defense against it is prevention. That is why education is vital if we are to minimize the effects of this painful disease. The American public must know what to look for if they are to take precaution against this disease.

Symptoms of Lyme disease in its early stages include a characteristic rash at the site of the tick bite, headaches, fever, pains in joints, and swollen glands. However, a person might not develop the tell-tale rash at the site of the tick-bite, leaving the person puzzled as to the cause of such a rash. Moreover, standard blood tests often do not reveal the presence of Lyme disease.

The key words in combating Lyme disease are "protect and check," "protect" meaning to protect yourself by wearing protective clothing and repellents and "check" meaning check yourself, your children and your pets as soon as you get home. Checking is important because most experts believe the tick must be attached for more than 24 hours to transmit the disease.

In addition, I am pleased to announce that a permethrin-based repellent which has been approved by the Environmental Protection Agency [EPA] is now available to the public. This spray must be used only on clothing not on the skin. The spray, used in combination with a long-acting Deet-based lotion on the skin, can provide very effective protection against the tick and Lyme disease.

Mr. Speaker the prevention of Lyme disease depends upon public awareness. I want to thank my colleagues for their support in bringing this disease to the attention of the American public. It is my hope that the designation of the weeks of June 6, 1993 and June 5, 1994 as "Lyme Disease Awareness Week" will help to make the general public and health care professionals more knowledgeable about Lyme disease and its symptoms.

Mr. BURTON of Indiana. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 43

Whereas Lyme disease (borreliosis) is spread primarily by the bite of four types of ticks infected with the bacteria *Borrelia burgdorferi*;

Whereas Lyme disease-carrying ticks can be found across the country—in woods, mountains, beaches, even in our yards, and no effective tick control measures currently exist;

Whereas infected ticks can be carried by animals such as cats, dogs, horses, cows, goats, birds, and transferred to humans;

Whereas our pets and livestock can be infected with Lyme disease by ticks;

Whereas Lyme disease was first discovered in Europe in 1883 and scientists have recently proven its presence on Long Island as early as the 1940's;

Whereas Lyme disease was first found in Wisconsin in 1969, and derives its name from the diagnosis of a cluster of cases in the mid-1970's in Lyme, Connecticut;

Whereas forty-nine states reported more than forty thousand cases of Lyme disease from 1982 through 1991;

Whereas Lyme disease knows no season—the peak west coast and southern season is November to June, the peak east coast and northern season is April to October, and victims suffer all year round;

Whereas Lyme disease, easily treated soon after the bite with oral antibiotics, can be

difficult to treat (by painful intravenous injections) if not discovered in time, and for some may be incurable;

Whereas Lyme disease is difficult to diagnose because there is no reliable test that can directly detect when the infection is present;

Whereas the early symptoms of Lyme disease may include rashes, severe headaches, fever, fatigue, and swollen glands;

Whereas if left untreated Lyme disease can affect every body system causing severe damage to the heart, brain, eyes, joints, lungs, liver, spleen, blood vessels, and kidneys;

Whereas the bacteria can cross the placenta and affect fetal development;

Whereas our children are the most vulnerable and most widely affected group;

Whereas the best cure for Lyme disease is prevention;

Whereas prevention of Lyme disease depends upon public awareness; and

Whereas education is essential to making the general public, health care professionals, employers, and insurers more knowledgeable about Lyme disease and its debilitating side effects: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning June 6, 1993, and June 5, 1994, is designated as "Lyme Disease Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL TRAUMA AWARENESS MONTH

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 135) to designate the months of May 1993 and May 1994 as "National Trauma Awareness Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, and I will not object, I would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. MINETA. Mr. Speaker, trauma means injury, any type of injury, accidental or intentional. Tragically, 140,000 Americans die from injuries each year, more often from motor vehicle crashes than from any other cause. Injuries kill more Americans aged 1 through 34 than all diseases combined and cause the loss of more working years of life than all forms of cancer and heart disease combined. One out of every eight hospital beds is occupied by an injured patient.

The costs of trauma care are astronomical. Over \$110 billion a year is lost in medical ex-

penses, wages, productivity and disability trauma can strike anyone at any time, and the price it exacts in the agony of its victims and the grief experienced by families is immeasurable.

But we are not powerless in our struggle to overcome the causes of this medical problem. We cannot always prevent it but we can minimize the occurrences and maximize the availability of treatment by increasing public awareness of the problem.

Congress, in passing this resolution, will provide the necessary national focus to better enable trauma organizations to mount campaigns to educate our citizens about trauma, its implications and the best solutions to address it.

I fully support passage of this resolution.

Mr. BURTON of Indiana. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 135

Whereas more than 9,000,000 individuals in the United States suffer traumatic injury each year;

Whereas traumatic injury is the leading cause of death for individuals under 44 years of age in the United States;

Whereas every individual is a potential victim of traumatic injury;

Whereas traumatic injury often occurs without warning;

Whereas traumatic injury frequently renders its victims incapable of caring for themselves;

Whereas past inattention to the causes and effects of trauma has led to the inclusion of trauma among the most neglected medical conditions in the United States;

Whereas it is estimated that the people of the United States will spend more than \$175,000,000,000 this year on the problem of trauma;

Whereas trauma is preventable and increased efforts to prevent trauma would reduce or eliminate deaths and disability due to trauma;

Whereas the problem of trauma can be remedied only by prevention and treatment through emergency medical services and trauma systems; and

Whereas the people of the United States must be educated in the prevention and treatment of trauma and in the proper and effective use of emergency medical systems; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1993 and May 1994 are each designated as "National Trauma Awareness Month" and the President is authorized and directed to issue a proclamation calling upon the people of the United States to observe these months with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EMERGENCY MEDICAL SERVICES WEEK

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that the Commit-

tee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 78) designating the weeks beginning May 23, 1993, and May 15, 1994, as "Emergency Medical Services Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I will not object, but I would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. MANTON. Mr. Speaker, I rise today in support of House Joint Resolution 78, legislation I introduced to designate the week beginning May 23, 1993, and the week beginning May 15, 1994, as Emergency and Medical Services Week. I want to thank the gentleman from Missouri, BILL CLAY, chairman of the Committee on Post Office and Civil Service for his support of House Joint Resolution 78, and his help in bringing this legislation to the floor.

Since its inception in 1986, Emergency Medical Services Week has afforded the public with an important opportunity to learn about the life saving benefits of emergency medical care. The demand for emergency medical services is increasing along with rising costs. Many rural and urban hospitals and trauma centers across the Nation have been forced to close because of the increase in costs. EMS systems are overburdened and nearly all are underfunded. Many emergency departments are having difficulty recruiting and retaining health care professionals. Despite these problems, recent advances in emergency medical technologies are enabling EMS providers to save more lives than ever before.

Mr. Speaker, this resolution has the strong support of many National Health Care Organizations including the American College of Emergency Medical Physicians, the International Association of Firechiefs, the National Association of Emergency Medical Technicians, the American Ambulance Association, the Association of Air Medical Services, the Emergency Nurses Association, the National Association of State EMS Directors, and the National Council of State EMS Directors and the National Council of State EMS Training Coordinators.

Every year during Emergency Medical Services Week, these groups and communities across the Nation sponsor special events designed to increase awareness and promote prevention of medical emergencies. Emergency Medical Services Week programming has included a variety of health safety topics such as instruction in CPR, alcohol and drug abuse prevention and treatment, child safety, bicycle safety, and school based educational programs in emergency medicine.

Mr. Speaker, EMS providers are skilled and dedicated individuals ready to provide lifesaving assistance every day. They dedicate countless hours to training and working in cities and communities across the country. Emergency Medical Services Week is necessary to increase public knowledge about emergency medicine.

Again, I want to thank Chairman CLAY for his help in bringing this resolution to the floor and I urge its immediate passage.

Mr. BURTON of Indiana. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 78

Whereas emergency medical services is a vital public service;

Whereas access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury;

Whereas efforts to establish emergency medicine as a medical specialty began 25 years ago with the founding of the American College of Emergency Physicians in 1968;

Whereas the members of emergency medical services teams are ready to provide life-saving care to those in need 24 hours a day, 7 days a week;

Whereas emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others;

Whereas approximately 2/3 of all emergency medical services providers are volunteers;

Whereas the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills;

Whereas Americans benefit daily from the knowledge and skills of these highly trained individuals;

Whereas it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

Whereas the designation of Emergency Medical Services Week will serve to educate all Americans about injury prevention and how to respond to a medical emergency: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the weeks beginning May 23, 1993, and May 15, 1994, are designated as "Emergency Medical Services Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on Senate Joint Resolution 43, House Joint Resolution 135, and House Joint Resolution 78.

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

There was no objection.

ORDER OF BUSINESS

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that the order of the 60-minute special orders granted for today to Mr. BURTON of Indiana and Mr. ARCHER of Texas be switched.

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

There was no objection.

HOUR OF MEETING ON WEDNESDAY NEXT AND THURSDAY NEXT

Mr. BACCHUS of Florida. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 a.m. tomorrow, and that when the House adjourns tomorrow, it adjourn to meet at 11 a.m. on Thursday, May 27, 1993.

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

There was no objection.

REALLOCATION OF TIME FOR SPECIAL ORDER TODAY

Mr. BACCHUS of Florida. Mr. Speaker, I ask unanimous consent that the special order for the gentleman from Michigan [Mr. BONIOR] on May 25, 1993, be allocated to the gentleman from Missouri [Mr. GEPHARDT].

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

There was no objection.

CHANGE OF TIME FOR SPECIAL ORDER TODAY

Mr. BACCHUS of Florida. Mr. Speaker, I ask unanimous consent to change the 60-minute special order today, for Hon. BARBARA-ROSE COLLINS to a 5-minute special order.

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

There was no objection.

□ 1210

NAFTA AND DRUGS

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

Ms. KAPTUR. Mr. Speaker, the front page of the New York Times yesterday said it all—illicit drug trafficking is indeed intertwined with the proposed NAFTA trade agreement with Mexico. Every American who is concerned about the destruction illegal drugs wreak every day in our country must read this article.

The Times reports that Mexico's cocaine smugglers, working with Colombian drug cartels, are buying maquiladora factories just south of our border, as well as warehouses and fleets of trucks, to use as front operations for drug-running if this deal goes into effect.

Trade negotiators committed an appalling oversight when they neglected even to discuss the illegal drug trade, in spite of repeated urgings by Members of Congress. After all, 50 to 70 percent of the cocaine consumed in our country comes from Mexico.

Congress should not approve the NAFTA deal unless our borders are locked tight from drug runners.

For the RECORD I include the following New York Times article from May 24, 1993:

[From the New York Times, May 24, 1993]

FREE-TRADE TREATY MAY WIDEN TRAFFIC IN DRUGS, U.S. SAYS

(By Tim Weiner with Tim Golden)

WASHINGTON, May 23.—Cocaine smugglers working with Colombian drug cartels are starting to set up factories, warehouses and trucking companies in Mexico to exploit the flood of cross-border commerce expected under the North American Free Trade Agreement, United States intelligence and law-enforcement officials say.

The Mexican smugglers are buying and setting up the companies "as fronts for drug trafficking," said a report written by an intelligence officer at the United States Embassy in Mexico City. The phenomenon was confirmed by a senior United States official who oversees enforcement of antidrug laws and who spoke on condition that he not be named.

The cocaine traffickers "intend to maximize their legitimate business enterprises within the auspices of the new U.S.-Mexico free trade agreement," the report said. The report was released under the Freedom of Information Act to the National Security Archive, a private research group in Washington that seeks to declassify Government documents.

TAKING ADVANTAGE OF ADVANTAGE

The document said traffickers planned to invest in trucking and warehousing businesses in Mexico as conduits for drug shipments. They have also started to buy manufacturing and assembly plants known as maquiladoras as fronts for drug shipments, the senior United States official said.

Under a program established in 1965, the maquiladoras have special tariff exemptions, and the goods they produce move in and out of the United States with minimal inspection.

"A lot of intelligence demonstrates the drug traffickers' ties to maquiladoras," the United States official said. "They are investing in these plants for shipments to the United States."

United States investigators said that they first noted the phenomenon 16 months ago and that the problem was growing; Mexican officials, who first heard of it six weeks ago from their United States counterparts, said they knew of only a few such cases.

The intelligence report, intended mainly as a warning, did not specify how widespread the problem was or which companies the smugglers were investing in. Law enforcement officials on both sides of the border

said they did not know the scope of the threat.

"The free-trade agreement makes the United States more accessible and convenient for traffickers," said a United States official involved in fighting drug traffickers. "It gives these people better opportunities to smuggle drugs."

The trade agreement, which was signed in December by President Bush, President Carlos Salinas de Gortari and Prime Minister Brian Mulroney, awaits approval by Congress and by the legislatures of Mexico and Canada. Over the next 15 years, it would gradually eliminate tariffs on goods traded among the three nations and eventually allow Mexican truckers to drive their rigs anywhere in the United States and Canada.

A trade expert and two former United States trade negotiators said that while United States and Mexican officials had foreseen the possibility that drug traffickers would take advantage of the trade pact, the problem was not raised during the negotiations. In fact, the pact does not address law enforcement issues related to trade.

WHY IT WASN'T TALKED ABOUT

"This was in the 'too hot to handle' category," said Gary Hufbauer, a senior fellow at the Institute for International Economics and co-author of a favorable book about the trade pact. "It's a painfully obvious problem. The huge increases in traffic will provide a huge cover for drug traffickers."

The challenges facing customs inspectors are already daunting. Mexican smugglers working with the Medellín and Cali drug cartels in Colombia already ship 50 percent to 70 percent of the cocaine consumed in the United States, hauling roughly 200 tons a year over the border and pocketing billions of dollars in profit.

The maquiladoras have grown over the past decade into Mexico's most important source of foreign exchange after oil. More than 2,100 maquiladoras employ half a million workers to make components or finished products from materials that are allowed into Mexico duty-free. The products, from furniture and television sets to auto parts, are shipped back by truck or train, with duty payments only on the value added in Mexico.

A senior Mexican law enforcement official, speaking on condition that he not be named, said the United States officials' warning could "definitely" be well founded.

He said officials were investigating a report of a cocaine shipment hidden in electronics components, although he had not confirmed that any specific maquiladora was being used to smuggle drugs.

Since Mexico deregulated its trucking industry in 1989, each maquiladora has been allowed to operate its own truck fleet and set up its own trucking company. That alone might make them attractive to smugglers.

"The issue of the maquilas is a new one," the Mexican official said. "There is no hard evidence, but these guys are not stupid, and the path is very clear."

A senior Mexican customs official who, following the policy of the Finance Secretariat, also spoke on the condition that he not be named, said maquiladora commerce was being treated deferentially on both sides of the border. He said that the United States Customs Service has the right to inspect the plants and their shipments, but that in practice such checks were rare.

"I think the controls will, naturally, get looser" under the free-trade pact, the Mexican customs official said. "Control will be reduced."

Thus free-trade pact is likely to complicate life for customs supervisors like Bill Lackey in El Paso.

At Mr. Lackey's post on Friday, a line of tractor-trailers spewing diesel fumes stretched for a quarter of a mile across the Bridge of the Americas into Ciudad Juárez, Mexico, waiting for inspections by the two officials on duty.

About 1,700 trucks cross the bridge over the Rio Grande each day, almost all from maquiladoras making textiles and electronic components. Inspections last as little as five minutes.

CONFLICTING GOALS AT BORDER

"We understand they have to get in and get out," Mr. Lackey said. "That is their living. We respect each other. The people coming across understand our problems and adapt to that."

Customs officials are torn between the goals of stopping contraband and supporting commerce. Today "most trucks that go through customs go through almost unimpeded," said Mike Lane, the deputy customs commissioner at El Paso.

But he said 300 new inspectors and new surveillance gear at the 22 customs posts between the Pacific and the Gulf of Mexico would help ferret out the smugglers.

Others familiar with the cocaine trade express doubts.

"The passage of Nafta will clearly put additional strain on customs at the borders," said Assistant United States Attorney Glenn MacTaggart, who prosecuted members of the so-called Juárez cartel, one of the Mexican syndicates cited in the intelligence report.

THE 21-TON CACHE

The Juárez cartel imported the biggest cocaine cache ever seized in the United States, a 21-ton supply found in 1989 in a warehouse near Los Angeles.

"If Nafta provides opportunity for legitimate businesses, it may clearly provide opportunities for illegitimate businessmen," Mr. MacTaggart said. "It's almost common sense."

Under the trade agreement, the export of Mexican products in Mexican trucks would vastly expand. Today, a tractor-trailer truck owned by a Mexican company cannot travel beyond a narrow commercial zone near the border, and trailers are transferred there to American haulers. If the pact is approved, a Mexican trucker will be able to travel to any point in California, Arizona, New Mexico and Texas by 1997, and anywhere in the United States and Canada by 2001.

American law-enforcement officials said they believed the cocaine belonged to a businessman who owns one of the biggest trucking companies in Mexico.

CONTINUED RESTRICTIONS ON EXTENSION OF MFN FOR CHINA

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

Mr. WOLF. Mr. Speaker, President Clinton is expected to request an extension of most-favored-nation status for China. I don't know exactly what conditions the President plans to place on MFN, but they must include an end to MFN if China continues to export slave labor made goods.

Those who believe that the collapse of the Soviet Union brought an end to forced labor and gulag-style prisons are quite mistaken; I know firsthand that the Laogai system is alive and flourishing in China.

In 1991, I visited Beijing Prison No. 1 with the hopes of meeting some of the prodemocracy demonstrators imprisoned there after the Tiananmen Square massacre. I was not allowed to see the demonstrators, but I did find an active prison industry, where workers toiled in unsafe conditions to manufacture socks and other textile products which were exported to the United States. If every Member of Congress witnessed what I did, I suspect very few would support extension of MFN for China.

Last week, I joined with my colleagues NANCY PELOSI, CHRIS SMITH, and CHARLIE ROSE at a press conference where shocking new information was made public about China's continued practice of slave labor exports.

Harry Wu, of Stanford University, recently brought this new information to light. Harry, who spent 19 years as a slave laborer in China's gulag, known as Laogai, has risked his life to try to stop the export of slave labor made goods and has found that American companies are knowingly importing slave labor made goods from China.

China right now enjoys an \$18 billion trade surplus with the United States and Chinese leaders in the past have boasted that the Laogai system generates at least \$100 million a year in exports. But there should be no misunderstanding, MFN for China is fundamentally a moral issue, not an economic one. Whether the Chinese Government is making \$100 million or \$1 by exporting these goods, it is immoral for the United States to prop up this inhumane system.

To allow the Chinese to continue to export to the United States goods made in these dismal prisons by innocent people—many whose only crime is that they stand for freedom—cuts against the grain of everything our Nation stands for.

President Clinton must demand an end to slave labor in China before MFN is approved.

I include for the RECORD the Laogai Research Foundation press release of May 18, 1993, on the subject:

CHINESE GOVERNMENT LIES ABOUT FORCED LABOR PRODUCTS REVEALED AMERICAN COMPANY IS THE SOLE AGENT FOR LAOGAI CAMP

Chinese government statements over the past two years claiming forced labor products are not exported were shown to be lies today at a press conference held on Capitol Hill by Hongda Harry Wu, Executive Director of the Laogai Research Foundation.

"Chinese government officials have not only lied to the world, but they have made an extraordinary effort to hid the continued export of slave labor products to the United States," Wu, a former political prisoner, said in reporting on the Foundation's three-month investigation.

Joined by Congressmen Frank Wolf and Charles Rose, Wu released a detailed report entitled: "Cruel Money: Who Profits from China's Laogai Products?"

The most important findings of the investigation are:

Columbus McKinnon Corp. (Amherst, NY) was named by a Chinese government trading company as the "sole agent" in the United States for chain and lever hoists manufactured by Zhejiang Province No. 4 Prison, also known as Hangzhou Superpower Hoist and Hangzhou Wulin Machinery Plant. The illegal hoists carry the CM brand and are on sale throughout the United States.

Zhejiang Province No. 1 Prison which is known as Wuyi (May 1st) Machinery Plant and Zhejiang Light Duty Lifting Machinery Factory is exporting chain and lever hoists to the U.S. through a Chinese government-owned trading company, Fuchuen Machinery & Equipment Import and Export Corp., operating in Hong Kong.

At a trade show held in Los Angeles in March, Chinese officials not only tried to sell a diesel engine banned by the U.S. Customs Service, they sought foreign investment in the Laogai factory.

A photograph from an official Chinese government publication purporting to show executives of Dow Chemical meeting with officials of Shenyang No. 1 Laogai (Labor Reform) Detachment, a prison producing rubber vulcanizing chemicals known as "accelerators." The executives are believed to be from Dow Chemical Pacific Ltd., a Dow subsidiary based in Hong Kong with branch offices in China.

Documentary evidence showing the chemical Laogai produces half of China's total output of rubber vulcanizing "accelerators." The implication of this is staggering—half of all Chinese rubber and rubber-related products might be illegal under U.S. law.

Another prison in Shenyang (No. 2 Laogai Detachment) produces millions of pairs of rubber boots, many of which are exported to the U.S.

Discussions with officials of Chinese state-owned trading companies in Hong Kong revealed the practice of mixing illegal forced labor products with legal products of the same brand name is expanding, thus making U.S. law enforcement efforts much more difficult. The products in question are handtools which may be coming into Texas.

The three-month investigation involved repeated trips inside China by a number of persons associated with the Laogai Research Foundation. Photographs taken on these trips of various Laogai camps are believed to be the first to appear in public inside or outside China.

Wu was for 19 years a political prisoner in many different Laogai camps. His secret filming inside 20 camps in 1991 resulted in major exposes on 60 Minutes and in Newsweek. He has testified before committees of both the Senate and House of Representatives, and is the author of Laogai—The Chinese Gulag, published in 1992 by Westview Press.

The Laogai Research Foundation is a non-profit organization dedicated to exposing human rights abuses in China's vast gulag. Wu was joined at the press conference by Jeffrey Fiedler, a director of the Foundation and Secretary-Treasurer, Food and Allied Service Trades Department, AFL-CIO.

CRISIS IN HAITI

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

Mr. OWENS. Mr. Speaker, the drug smuggling generals of Haiti are again laughing at U.S. and U.N. diplomats.

They rejected another proposal. I quote from the New York Times of today:

After 2 days of talks and a month of intense diplomatic pressure, Haiti's military authorities have rejected an American-backed United Nations plan to deploy an international police force here as part of a settlement of Haiti's long political crisis * * *

The rejection was delivered to President Clinton's special adviser for Haitian affairs, Lawrence Pezzullo, and the United Nations special envoy to Haiti, Dante Caputo.

Mr. Speaker, I include this entire article for the RECORD, as follows:

[From the New York Times, May 25, 1993]

LEADERS IN HAITI SPURN POLICE PLAN

(By Howard W. French)

PORT-AU-PRINCE, HAITI, May 24.—After two days of talks and a month of intense diplomatic pressure, Haiti's military authorities have rejected an American-backed United Nations plan to deploy an international police force here as part of a settlement of Haiti's long political crisis, diplomats said today.

The rejection was delivered to President Clinton's special adviser for Haitian affairs, Lawrence Pezzullo, and the United Nations special envoy to Haiti, Dante Caputo. It came after American diplomats expressed strong confidence in recent days that army leaders would accept the return of the country's elected President, the Rev. Jean-Bertrand Aristide.

Diplomats said the rejection set the stage for new economic and other sanctions against Haiti, which would be aimed at the military leaders and their supporters among the country's small elite.

Under the plan for the negotiated return of Father Aristide, he had agreed to an amnesty for the military leaders in the September 1991 coup and the subsequent political violence that has claimed as many as 3,000 lives.

'NO OTHER CHOICE'

A proposal to deploy 500 international police officers, which has encountered resistance from both military leaders and some Aristide supporters, was intended to help end the violence and to create a climate for negotiations on a new government and a deadline for the exiled President's return.

With the rejection, diplomats here said Haiti's military authorities had called the bluff of the United Nations and Washington, which have warned of serious new sanctions if diplomacy fails.

"We told them that they had left no possibility for the international community to end this crisis but to impose sanctions," said a diplomat close to the discussions. "We don't want to do this, but it was made absolutely clear that at this point there is no other choice."

Another diplomat said. "There are two sides to this thing, naturally, but so far we have only heard the details of one of them"—a large international aid package being prepared for Haiti in expectation of a settlement. "It's time to begin talking seriously about the pain," the diplomat said.

PUNITIVE MEASURES SUGGESTED

Since shortly after the coup, which forced Father Aristide into exile, there has been a hemispheric embargo on Haiti, but has failed to sway the Haitian elite. At the same time, however, the embargo has wreaked severe long-term damage to Haiti's economy and caused added pain for the bulk of the popu-

lation in what had already been the hemisphere's poorest country.

Some diplomats here mentioned several possible punitive measures, including the prosecution of army leaders who are widely believed to be involved in narcotics trafficking, the blocking of petroleum shipments and the freezing of financial assets of supporters of the coup.

Adding to the pressure for sanctions, diplomats close to the negotiations here have said the United Nations has recently indicated that it will withdraw from the diplomacy here in the absence of support for strong punitive measures that can persuade the Haitian Army to move toward a resolution.

The United Nations special mediator for Haiti, Mr. Caputo, a former Argentine Foreign Minister, has made six trips here in recent weeks to seek an international settlement.

FRUSTRATION IS EXPRESSED

With great expectations of a breakthrough, fed by confident assessments from American diplomats, expressions of frustration toward the United States were common among diplomats here today.

"For weeks, the Americans have been telling everyone that the army is in agreement, that everything is in place," one said. "Then we come down here and see that there is nothing to it, absolutely nothing."

"Washington has one more opportunity to show that it is serious about settling this thing in a multilateral fashion, through sanctions. Otherwise, everyone else is going to withdraw and this is going to become an American problem again, all by itself."

But another diplomat close to the talks said that Mr. Clinton's special representative, Mr. Pezzullo, had "spoken very strongly" in warning the army leaders today, leaving "no doubt about where the Americans stand."

Mr. Speaker, this senseless, continuous negotiation with drug smugglers who will never yield their profits must cease. The Congressional Black Caucus has adopted a position that we should tighten the sanctions on Haiti, we should proceed and demand that President Aristide be returned in 60 days, that by July 12 President Aristide should be returned to Haiti.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. BARTLETT] is recognized for 5 minutes.

[Mr. BARTLETT of Maryland addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

□ 1900

UNITED STATES AND PAKISTAN RELATIONS

The SPEAKER pro tempore (Mr. McNULTY). Under a previous order of the House, the gentlewoman from Michigan [Miss COLLINS] is recognized for 5 minutes.

Miss COLLINS of Michigan. Mr. Speaker, I rise to discuss an issue imperative to United States foreign policy—United States and Pakistan relations.

Mr. Speaker, we currently face a crossroad between our Nation's relationship with one of our longtime allies, Pakistan.

The State Department is considering classifying Pakistan as a terrorist state because of allegations that Pakistan has given material, weapons, personnel, and training support to Kashmiri militants who have committed acts of terrorism in Indian-controlled Kashmir. Allegations have also been made that Pakistan lends support to Sikh militants engaged in terrorism in Indian Punjab.

A classification of being a terrorist state would have a devastating effect on Pakistan. Pakistan would be ineligible for any United States aid, including humanitarian aid, and Congress would be required to vote against any loans to Pakistan from multilateral lending agencies. In addition, under section 505 of the International Trade and Security Act of 1985, Pakistan would also be banned from importing goods and services to the United States as a nation supporting terrorism.

Pakistan has worked hand in hand with the United States in the quest for democracy. They were vital during the cold war in fighting the spread of communism. The CIA, in cooperation with Pakistan intelligence, trained Afghan guerrillas to combat Soviet aggression in Afghanistan.

Most of the complaints against Pakistan have come from India. Pakistan and India are involved in a longstanding and deeply rooted dispute regarding the State of Kashmir. Pakistan insists that it only lends diplomatic and moral support to separatist groups in Kashmir and Punjab and it denies backing Sikh militants.

Kashmir, the only majority Moslem state in India, was recognized by the United Nations as a disputed territory and Pakistan agrees to resolve this conflict based on the resolutions approved by the Security Council and United Nations Commission for India and Pakistan. In addition, Pakistan has offered to negotiate this issue bilaterally in accordance with the Simla agreement.

As a matter of fact, Pakistan has been deeply concerned about its being viewed a terrorist state. The Pakistan Government has deported Arab fundamentalists who have been connected to anti-Government terrorist activities in India, Algeria, and Egypt. They also offered full support to India in apprehending perpetrators involved in a series of bombings on Bombay. In addition, they replaced the director of Pakistan's interservices intelligence who was allegedly involved with supporting militants in Kashmir and Punjab.

Their actions have been in response to a statement released by the State Department on January 8, 1993, that Pakistan would be placed under active

continuing review because of alleged terrorist activities in Kashmir and Punjab. If placed on the terrorist list, Pakistan will have the same status of countries such as Cuba, Iran, Iraq, Libya, North Korea, and Syria. Countries that have perpetuated anti-American sentiment throughout the Moslem world, propaganda that Pakistan has consistently disregarded. In fact, Pakistan has supported the United States and provided a positive view of our Nation to their Moslem counterparts.

This is a disturbing classification for Pakistan considering their longstanding alliance with the United States and the fact that they were not named in the April 1993 U.S. State Department annual report to Congress, Patterns of Global Terrorism, 1992.

The State Department can place a country on the terrorist list at any time. But, placing Pakistan on this list when it didn't appear in the recent report to Congress would be a rash decision.

In layman's terms the Pakistan economy would be dealt a severe blow and Pakistan-American trade relations would simply deteriorate. There would be restrictions on movement of Embassy staff thereby delaying visa processing and other services. Limitations would be placed on United States-Pakistan flights. Pakistani citizens would no longer be able to attend United States colleges and universities and Pakistan-Americans would have problems traveling back to the country to visit relatives and friends.

Many disagree with the State Department on considering Pakistan as a terrorist state. Pakistan has not shown to be involved in anti-Western propaganda and terrorism like Iran or Libya. To classify it as such strains the good relations that have existed between our two countries for decades.

Pakistan is still contending with the problems brought on during that time. According to Molly Moore and John Anderson in an article in the April 21, 1993, Washington Post:

A nation that once was a linchpin of American foreign policy has become a casualty of post-cold war political realignments. Amid domestic political turmoil, Pakistan is struggling to cope with the refuse of a superpower battle: A glut of weapons in the marketplace, large numbers of restless, combat-experienced foreign guerrillas, millions of Afghan refugees, and an unbridled drug trade.

Also in the same article Pakistan's Secretary for Foreign Affairs Shahayar Khan said:

We fought the Afghan war for 14 years, and now people who were committed to our side are suddenly seen as villains and branded as terrorists.

In addition to their vital role in ending Soviet aggression in Afghanistan, they assisted in developing our relationship with China when they offered their diplomatic services to then Secretary of State Henry Kissinger who

flew to China from Pakistan in July 1976. This shows the ability of Pakistan to pave the way for United States relations with other countries who may have anti-American sentiments.

Pakistani troops served with our troops in Operation Desert Storm. They joined United States troops in assisting the United Nations in Operation Restore Hope in Somalia. Pakistan risked its own national security when it allowed the United States to use espionage aircraft to fly from its bases over the Soviet Union during the 1960's.

Pakistan has been instrumental in denuclearizing south Asia and plays a stabilizing role in central Asia and the Middle East. They have advocated the establishment of a nuclear-weapon-free zone in south Asia. Their proposal has been endorsed by the U.N. General Assembly. In 1979, Pakistan expressed its readiness to accede to Nuclear Non-proliferation Treaty [NPT] simultaneously with India.

Pakistan is also essential to the United States for its stand in the Moslem world. Pakistan is the world's third largest moderate Moslem country and has consistently supported America serving as an example to other Moslem nations. With many Moslem countries perpetuating anti-American sentiments, Pakistan serves as our one and best opportunity to develop and change the relationship America has with Moslem nations.

The United States has made economic and intellectual investments in Pakistan that should be cultivated. We must continue to foster this relationship and not make hasty decisions that would hurt both American and Pakistan interests.

Declaring Pakistan a terrorist state would not only be a slap in the face but it would only further strain relations between Pakistan and India. Pakistan, after all its years of service to the United States, would be a virtual outcast. It would interrupt the stabilizing force that Pakistan has offered and would cause them to ally themselves closer to their nearest neighbor, Iran. The United States should be working diplomatically to resolve the differences between the two nations.

This issue must be thoroughly investigated and debated before the United States makes such a strong decision. Prof. Thomas P. Thornton of the Nitze School of Advanced International Studies at Johns Hopkins University wrote an article in yesterday's Christian Science Monitor. I quote:

Pakistan is *** a large and very important country that plays a key role in the Moslem world—a place where we need friends. We need to get beyond the disillusion and embitterment that have characterized United States-Pakistan relations and find a middle ground where we can build a relationship that meets specific, limited mutual interest. Declaring Pakistan a terrorist state is not the way to start.

I agree with Professor Thornton and those Washington and Islamabad offi-

cialists who feel this decision would be counterproductive and unfair. We must work with both India and Pakistan in seeking a fair solution. If Pakistan-India relations are to improve we must play the role of the impartial facilitator.

I urge the administration to remove Pakistan from active continuing review and to cease the threat of making Pakistan a terrorist state. I urge my congressional colleagues to contact the administration to voice their concern over the treatment of Pakistan. We cannot nor should we, lose a loyal and valuable ally. Thank you, Mr. Speaker.

THE PRESIDENTIAL HAIRCUT AND TRAVEL OFFICE PROBE

The SPEAKER pro tempore [Mr. HASTINGS]. Under a previous order of the House, the gentleman from California [Mr. DOOLITTLE] is recognized for 5 minutes.

Mr. DOOLITTLE. Mr. Speaker, the Washington Times today has an interesting headline: "Haircut Costs Airlines \$76,000." Then underneath it, FBI Angry About Politicizing of Travel Office Probe."

Mr. Speaker, this was an administration that came to power on the claim of representing the middle class. Frankly, the claim of getting the economy going again, a middle-class tax cut, and doing something about the cost of health care to make it more affordable for people. Also, there has been a strong patina of concern about ethics.

I just think that it is very disturbing to see what is happening, in just the first few months of this administration.

Just to look at this Washington Times story for a minute, with reference to the haircut controversy, which in some ways is a tempest in a teapot, but in another is very symbolic of the great distance between this administration, and middle America.

The Citizens for a Sound Economy did some investigating to find out what the cost of that haircut was, above and beyond, of course, the \$200, plus whatever the tip may have been.

A CSE spokesman quoted, from the Washington Times:

CSE spokesman Jeff Nesbit told the Washington Times that costs provided by the airline industry indicate that Mr. Clinton's 56-minute haircut and the security block of two nearby runways in Los Angeles Monday cost the industry \$76,000.

Now, I guess that does not include time involved with Air Force One, if it had its engines running. Air Force One is a 747, an enormous airplane. So it certainly showed, at best, a tremendous political insensitivity, and it imposed a number of costs upon various parties, certainly the airlines and, indirectly, or I guess directly, the American public, paying for the cost of Air Force One.

Now I would like to talk a little bit about this other issue, because this, again, goes right to the issue of ethics and the issue of relating to the American public. "FBI Angry About White House Politicizing of Travel Office Probe." And again, quoting from the Washington Times today, and substantially the same story is in the Washington Post:

FBI agents charged that the White House "politicized" its operations by demanding a highly unusual statement confirming an investigation of the White House Travel Office. FBI sources said the agency had not been looking into mismanagement charges in the Travel Office after a White House audit was conducted, a direct contradiction of White House statements that the FBI was involved from the beginning.

□ 1910

Skipping down and quoting:

One high-ranking FBI source said: "The FBI cannot be identified as a friend or a foe of any administration. It has to be perceived as neutral in all cases. On its surface, this unusual announcement served no purpose other than to legitimize a political decision."

Mr. Speaker, on the issue now of the travel agency, it is very interesting to see what some of the details are about that. Quoting from an article that appeared in the Sacramento Bee on Sunday, May 23, by columnist Pete Dexter:

Mr. Stephanopolos did not say who was allowed to bid against Clinton's 25-year-old once- or twice-removed cousin Catherine Cornelius for the position of temporary head of the travel staff.

He did not say which agencies were allowed to bid against the Little Rock, Arkansas firm World Wide Travel that was at first named to handle the White House's travel plans. World Wide and its owner, Betta Carney, were large political supporters of Clinton and large contributors. They paid off some of his campaign debts, in fact, debts Clinton would have otherwise been responsible for himself. After a deluge of criticism, World Wide itself was quickly dropped late Friday.

Then, quoting from the Washington Times:

The White House also conceded yesterday that Penny Sample, president of Air Advantage—an airline company the Clinton campaign used last year—has volunteered to work in the travel office to solicit bids and choose winners for White House airplane charters, mainly for the jet that carries the press to presidential events outside of Washington.

Asked if Ms. Sample is "interested in this business for her own firm," Ms. Meyers said, "I would think."

Mr. Speaker, this controversy reveals a tremendous gap between the President, his administration, and the middle class of America. We elected Bill Clinton, we did not intend to elect Michael Dukakis or George McGovern, but it would seem that indeed we may have gotten more of the philosophy of the latter.

FULL DISCLOSURE FOR THE
PUBLIC

The SPEAKER pro tempore (Mr. HASTINGS). Under a previous order of the House, the gentleman from Florida [Mr. BACCHUS] is recognized for 5 minutes.

Mr. BACCHUS of Florida. Mr. Speaker, a week ago every Member of this House disclosed details of our personal finances to public scrutiny. That is, we made such disclosure to the extent that it is required by current law.

The truth is, Federal law does not require all that much disclosure of Members of Congress. There are enough loopholes in the current law to drive a truck through, or maybe a Mercedes.

Mr. Speaker, on the forms that we file annually Members of Congress are only required to list assets and liabilities within broad categories of value, very broad categories. The ranges are so broad, in fact, that it is impossible to tell from a report whether a Member received a large increase in income from a particular source.

I make a different kind of financial disclosure. I call it full disclosure. I do so voluntarily, as do a handful of other Members of this House. Each year I file voluntarily copies of my income tax return and of my net worth statement listing all my assets and all my liabilities down to the last penny. I believe that every candidate for Congress and every Member of Congress should be required to do the same on an annual basis. I have done so since I first became a candidate.

I have a history, a long history, of working for full financial disclosure. In my State of Florida, full financial disclosure is enshrined in the State constitution. It is so because an enlightened leader named Reuben O'Donovan Askew, as Governor of that State, led a statewide initiative drive that amended the constitution to require full financial disclosure. I am proud that I helped him in that campaign in 1975 and 1976. I am proud that I am one of the coauthors of that sunshine amendment to the Florida constitution.

That is why I have joined with my colleague, the gentleman from New Jersey [Mr. ZIMMER], in a bipartisan effort to bring full financial disclosure to the Congress of the United States. We have introduced H.R. 1084, the Public Service Accountability Act of 1993. This would require full financial disclosure. It calls for the listing of exact amounts and sources of all assets and liabilities, just as I have done voluntarily, and just as the gentleman from New Jersey [Mr. ZIMMER] has done, as well.

This would also require Members of the Congress and candidates for Congress to file an annual statement of net worth and copies of their tax returns from the previous year.

Why would we do this? Why would we take such extraordinary steps? These

are extraordinary times. I cannot imagine how much greater the cynicism or the skepticism of the people could be. We need to take extraordinary steps in these extraordinary times to reassure the people that we are really working for them and not for ourselves or some selfish special interest.

As far as I am concerned, the people have every right to know what we own, what we owe, and how much we owe. They have the right to know every detail of our personal finances. I have no expectation of privacy in my personal finances, nor does the gentleman from New Jersey [Mr. ZIMMER], nor do the handful of Members who have cosponsored our resolution.

In my view, Mr. Jefferson was right long ago when he said that, "When one assumes a public office, he becomes a public property." We need to take the extraordinary step of passing H.R. 1084 and reassuring the people that a public office truly is a public trust.

TRAVELGATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, I take 5 minutes today to describe what I think is a most outrageous injustice, an outrageous abuse of police power, and then an outrageous coverup by President Clinton and the White House over the last few days.

The gentleman from California [Mr. DOOLITTLE] outlined the situation with Travelgate, where employees were fired for what seems to be a replacement in organizing travel by the White House, being replaced by a distant cousin of the President and campaign contributors of the President, to be able to participate in the huge amounts of money that go into travel in the White House and by the press corps.

When the White House was called on firing these employees, they tried to claim that the firings were triggered May 12, solely because management irregularities were found. This is not true. The American people need to know it.

On February 15, Ms. Cornelius sent a memo to David Watkins proposing the dismissals and hiring of World Wide Travel by both the White House and the Democratic National Committee. Does that sound a little fishy? Moreover, the White House has insisted that the FBI was involved in investigating the travel office before an independent accounting firm was called in to audit the office. FBI officials said yesterday, however, that they were not involved in the investigation of alleged financial misconduct by the fired White House travel staff until the firings took place on Wednesday, after the White House audit was conducted.

Even more outrageous are today's reports that the White House has violated its own policy of noninterference with the Justice Department investigations. White House officials acknowledged taking the highly unusual step of summoning the Director of the FBI's Public Affairs Office last week and asking him to issue a news release saying criminal investigation of the seven workers was warranted, an absolute abuse of police power.

The Washington Post reports that at a meeting held at the White House, administration officials provided guidance in drafting an FBI release to back up its contention that possible criminal acts, not political cronyism, were the reason the travel staff had been fired abruptly.

□ 1920

When has the White House ever taken it upon itself to intervene in a Justice Department investigation, bypassing the Attorney General who has responsibility for the FBI, and tailored a press release to suit its own needs, and informed the Nation that an investigation of American citizens was ongoing? This is unbelievable and unprecedented.

Attorney General Janet Reno was never informed that the White House had asked the FBI to review the travel office matter, nor was she shown the FBI press release put out by the White House last Friday. Reno is reported to be outraged, as we are, and has called the White House counsel yesterday to protest the White House handling of the matter.

Now, to try to mend the damages, the White House has severed its partnership with World Wide Travel.

But now the White House is claiming that the seven travel office employees were not actually fired. Indeed, White House spokesman, George Stephanopoulos, said today that only the two employees with financial authority were considered fired, and that five were actually on administrative leave. The administrative leave would be extended indefinitely, meaning they could continue to be paid. That is an unbelievable coverup by White House trying to cover up an unsavory situation.

Chief of Staff Mack McLarty and Budget Director Leon Panetta have been directed to conduct a review of the entire matter. This is not enough. These people have been fired and their names have been dirtied by the White House by implying that there was criminal activities by them. How are they going to get a job in the future?

The House has to immediately call for hearings on this matter. Those who are responsible for this outrage should be fired, or at the very least we ought to have adult supervision in the White House.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. RUSH] is recognized for 5 minutes.

Mr. RUSH. Mr. Speaker, today I am introducing an important piece of legislation, the Community Development Financial Institutions Act of 1993, House Resolution No. 2250.

I do so with the belief that putting the economic needs of the people of inner city communities, rural areas, and close-in suburban areas on the same playing field is one of a series of steps necessary to make sure that equal economic opportunities are fully extended to all Americans. This bill is designed for those Americans who, as President Bill Clinton describes them, are "willing to work hard and play by the rules."

The bill I have introduced will create the National Community Development Administration [the NCDA]. The NCDA's mission will be the fostering of public-private partnerships which will provide access to credit and financial resources by low- and moderate-income people as well as small, minority- and women-owned businesses. These are the groups and individuals which have traditionally been denied access to adequate levels of capital and credit. Thousands of these groups are located within communities like Illinois' First Congressional District, which I represent.

Building from an initial appropriation of \$200 million for fiscal year 1994, specifically, this bill would provide assistance in the forms of grants, loans, and technical assistance to new and existing community development financial institutions.

Innovative groups and individuals across the country who know, first hand, what steps to take to improve their communities will now be able to obtain the economic resources to do so. It allows creative ventures to be undertaken including everything from supporting the efforts of local groups to demolish and remove abandoned buildings, to facilitating the development of low- and moderate-income housing, to helping groups with successful track records in building small projects to obtain extra capital and credit to do more of the same but on a broader scale, thereby impacting larger groups of people and families.

And, Mr. Speaker, the good news is the NCDA will accomplish these goals in a way that does not create one more Federal bureaucracy but, instead, builds on the insights gained from some of the hard-fought struggles, and mistakes, of the past.

The NCDA will encourage healthy competition among certified applicants to get the most bang for their limited bucks. It will require matching private

funds for the grants and loans it issues on at least a 1:1 basis. It will recycle funds back to lenders by encouraging secondary market activities among private actors, and it will promote the use of a new investment instrument that will bring dollars from individuals, corporations, and institutions into community development depository institutions for their long-term use.

With the added investment from individuals and institutional investors, millions of Americans will not only be able to take advantage of needed tax deferrals, but will also be playing a direct role in helping to capitalize an organization whose single mission is to systematically reinvest in and redevelop America's inner city and rural communities.

Finally, the real significance of this legislation is not just about credit or banking. It is about genuine, comprehensive, permanent community development. With this bill, I hope to give individuals the tools to determine their own destinies; to take their, and their families' futures into their own hands and work hard to achieve what, until now, has been in sight, but beyond their grasp—that elusive state of being called prosperity. I know that real prosperity cannot exist without the economic building blocks that so many of the hard working men and women in disinvested urban, suburban, and rural communities lack.

I urge my colleagues in the House of Representatives to support this bill which is designed to foster increased access to good-paying jobs; increased entrepreneurship and self-sufficiency; higher living standards and quality of life, and the creation of other assets within local communities.

I believe the kind of development the NCDA will focus on will steadily increase the confidence of local residents, business owners, and workers in targeted communities as these groups begin to realize that their community's fortunes are on the rise. I also believe that outside investors will become increasingly convinced that communities that are coming alive again are the types of communities that merit their careful and considered support—and their investment dollars.

By reinvesting in people and organizations that live in, or care about, our cities and rural areas, I strongly believe that the Community Development Financial Institutions Act of 1993 will be a catalyst for real change in the lives of countless Americans in the years to come.

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2244, SUPPLEMENTAL APPROPRIATIONS, TRANSFERS AND RESCISSIONS, FISCAL YEAR 1993; AND WAIVING POINTS OF ORDER AGAINST H.R. 2118, SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1993, AND AGAINST ITS CONSIDERATION

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-110) on the resolution (H. Res. 183) providing for consideration of the bill (H.R. 2244) making supplemental appropriations, transfer, and rescissions for the fiscal year ending September 30, 1993, and for other purposes, and waiving points of order against the bill (H.R. 2118) making supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, and against its consideration, which was referred to the House Calendar and ordered to be printed.

RECONCILIATION AND THE CLINTON TAX INCREASES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. ARCHER] is recognized for 60 minutes.

Mr. ARCHER. Mr. Speaker, I rise to speak again to the House tonight, as I did last night, and discuss facets of the forthcoming reconciliation bill which includes the largest tax increase in the history of the human race that will be placed on Americans in all walks of life. I have listened to Democrats who extol the virtues of this bill, and I would like to discuss a little bit about why some of their comments are, in my opinion, misplaced.

But before I do so, I yield to the gentleman from Florida [Mr. GOSS].

□ 1930

Mr. GOSS. Mr. Speaker, I thank the gentleman very much for yielding.

I would propose to address the subject that the gentleman has introduced from the perspective of a member of the Committee on Rules and share my very grave concerns that we are not going to be able to do full justice to this extraordinarily important issue in this House because of the Committee on Rules. In fact, tomorrow, the Committee on Rules will take up the Clinton tax bill, a massive tax hike on most Americans, and during that committee process, several Members, this gentleman included, will present alternatives to the energy tax, particularly, and the Social Security tax provisions that are in that bill.

The energy tax, the Btu tax, as we call it, is supposed to raise approximately \$70 billion over the next 5 years by taxing virtually every good and service produced or performed in the United States. That is something that every family is going to feel and, frankly, many families cannot afford it. Not only is this proposed tax inflationary because it is going to increase the cost of goods and services, it is going to fall hard on middle-income America. We have heard a lot about middle-income America during the campaign, the very people then-candidate Clinton said he would spare from new taxes.

As for the Social Security tax, it is certainly going to impact millions of seniors who have very modest incomes whose only fault is that they are trying to take some responsibility for their own retirement. They have been prudent, they have set aside, and now we are going to propose to tax them because they are a convenient target. Quite simply, these are not rich people.

I know many, because they live in my district. They are people who are struggling to make ends meet, people earning as little as \$25,000 a year. This tax is projected to raise \$32 billion over the next 5 years, raising the percentage of Social Security taxable from 50 percent to a whopping 85 percent.

Adding insult to injury, this tax changes the rules of Social Security which is supposed to be a self-financing trust fund, as we know. This new tax plan will generate revenues from Social Security recipients that will go directly to the General Treasury, and that scares people who are on Social Security, and it should.

Mr. ARCHER. I was on the President's Commission on Social Security Reform in 1982, and that Commission recommended to the Congress and had adopted by the Congress, and I might say that I opposed this provision, but nevertheless, this is the way it occurred, for the first time that 50 percent of the Social Security benefits be taxed, and in doing so, they justified that on the basis that 50 percent of the money going into the payment of FICA taxes was tax-deductible to the employee but 50 percent was after-tax dollars on the part of the employee, and they further specified that inasmuch as this was in effect reducing benefits for those people who had enough income to be above the threshold, the threshold by the way which was not indexed for inflation, and as a result, here we are 10 years later, and that is the same threshold but in real dollars, of course, it is much, much lower and picks up people who actually have a lower income.

But they put that tax that was generated by taxing 50 percent of the benefits back into the Social Security trust fund, which is where it should have been placed.

Now the gentleman has appropriately explained to the people of this country that in Clinton's new tax on Social Security beneficiaries, that almost doubles it, that money will no longer go back into the trust fund for the benefit of the elderly in future generations of this country but will be deposited in the General Treasury to pay for President Clinton's new spending programs.

Is that correct?

Mr. GOSS. If the gentleman will yield further, that is precisely what is so scary about this.

I know the distinguished gentleman's participation and understanding, and not only do we have pain here, we have a breach of faith if not contract.

Why are we doing all this? The Clinton administration is telling us we are raising taxes to reduce the national debt, but read the small print and you will see that 5 years down the road after Americans have paid all of these new taxes we are talking about, our national debt is going to be bigger, \$1 trillion bigger at least, not smaller, and in fact, the annual deficit will be climbing, according to the budget resolution we have passed. So what happens is we get to a defining moment, and I would suggest that the gentleman's hour this evening is a defining moment here.

We have got debate on a tax plan right now, and we are focusing on taxes, when we should be focusing on cutting spending. We know that Americans know that.

We are setting a course for our national economic security for years to come, and we are not going to be doing it in a broad spectrum of the full will of this body, because my view is that the Committee on Rules is not going to allow that to happen. I hope I am wrong, but as we meet tomorrow, we will know.

Americans are demanding that we cut spending. That is the message that is coming in on my phone and through my mailbag, and I think for the first time in years there is a real momentum among people to bring down the Federal deficit by bringing down the size and scope and the waste in Government.

I am not quite sure why we are being asked to resort to punitive and inflationary tax increases at a time when so much waste and low-priority spending is continuing to bloat our Federal budget.

If you ask the question abroad in this country, has the Federal Government removed all waste from its budget, there is not a place across this country that you would not get a horselaugh if somebody answered "yes." So I suggest our tax problem is not our tax problem, it is our wasteful-spending problem.

If we were focused a little bit more on that, I think we would have a little bit more credibility with the people of this country. I think it is wrong to tell

Americans that higher taxes are a given when we have not really begun to cut spending.

Tomorrow I and I know others are going to present the Committee on Rules with alternative plans. I am putting forward one that wipes out the energy and Social Security taxes in the bill and replaces them with \$104 billion in spending cuts. It is a serious proposal. I have worked very hard on it.

If Members do not like my list of spending cuts, I hope they will come up with their own list, because there is certainly plenty to choose from. There is no doubt that that is the point that the people of this country are trying to convey to us, and we seem to be slow in getting the message.

I greatly thank the gentleman from Texas, the distinguished ranking member, for allowing me the opportunity to convey that message to the people tonight.

Mr. ARCHER. Mr. Speaker, I appreciate the contribution of the gentleman from Florida.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Speaker, I want to address that part of the reconciliation package that incorporates the President's vaccine proposal, and to encourage my colleagues to support a rule which would make the Camp/Klug/Greenwood, et al. amendment in order when the budget reconciliation proposal is debated by this House.

Like many of my colleagues, I am deeply concerned about the health of America's children and the sad state of immunization rates in this country. I am committed to making sure all children are vaccinated and that vaccinations are available to children whose parents cannot afford them. I do not, however, think that it is the Federal Government's role or responsibility to provide free vaccines to Donald Trump's children or to my daughters Katie and Laura.

Given the fiscal constraints facing the Federal Government, it does not make sense to establish a new entitlement program for well-off Americans. I believe the amendment I have developed with Mr. CAMP, Mr. KLUG, and others represents a much more responsible approach.

Perhaps I bring a special perspective to this issue. Prior to being elected to public office I served as a children and youth social worker. I am proud to have been considered an advocate for children throughout my tenure in the Pennsylvania legislature. I also was honored to serve on Governor Casey's commission for children and families. The commission spent a great deal of time looking at what works and what does not work when trying to ensure that children are immunized and that they are immunized at the appropriate age.

Through my experience I have seen firsthand what works for families that

are impoverished and those with less than perfect parents. In developing our amendment, we incorporated what has been proven to work—and that is requiring parents to get their children immunized if they are to participate in State and Federally funded programs and school.

We have seen it work in Maryland, for example, where waivers provide AFDC sanctions and special needs allowances for recipients to encourage them to meet education and preventive health care requirements established by the State. We have seen it in every State where immunizations are required before children start school and as a result immunization rates reach 98 percent.

Our amendment simply proposes that States be granted the option to increase AFDC and food stamp benefits if parents comply with the immunization requirement or decrease the benefits if parents do not comply. States may use either or both of these financial inducements. The amendment also would provide \$100 million per year for the purchase and delivery of vaccines for the approximately 400,000 uninsured children under age 5.

I proposed this kind of approach during the joint House/Senate hearing on the President's legislation which was attended by HHS Secretary Shalala. At the hearing Secretary Shalala indicated, " * * * we have experimented, using the WIC program, for example, using the Head Start Programs, to try to get more children in, and some of these economic incentives and other kinds of incentives have worked—I think we ought to do all of the above. I am not opposed, nor is the Clinton administration, to trying every kind of positive incentive of education program." When I queried the Secretary on whether she would support including such a requirement as a criterion for entry into certain programs, she replied "Yes, absolutely, absolutely."

Furthermore, during a recent visit to Cleveland, President Clinton said that he thought such an approach was "a good idea."

This is not a partisan issue. We need to encourage parents to take responsibility to ensure the health and safety of their children. I believe our amendment is a more responsible and less costly approach toward that goal. I would urge my colleagues to support it.

□ 1940

Mr. ARCHER. Would the gentleman tell this body what the total cost of his amendment would be as compared to what the cost of the Clinton proposal is, which was adopted in the committee?

Mr. GREENWOOD. Our proposal saves, over the course of 5 years, I believe the number is, \$980 million, or nearly \$1 billion in savings.

The extraordinary thing is that we save all of that money and, instead of

raising the rate of immunization a mere 5 percent as we would expect from the President's proposal, we would raise the rate probably close to the 98 percent that we see at the age of 5 years old.

So, what we are seeing is many, many more children needing desperately the help of their Government to help the parents do what the parents should do: more children immunized; far, far less cost.

Mr. ARCHER. I compliment the gentleman on his approach.

The gentleman highlights what is present in many, many other categories; the extreme increase in spending on the part of the Clinton administration without the productive results; and that there are ways to accomplish these solutions to problems without opening the floodgates of the Federal treasury and, once again, having to go to the American taxpayers and say, "Pay some more to Washington." I think it is an excellent suggestion.

Mr. Speaker, I yield to the gentleman from Kentucky, Mr. BUNNING, a respected member of the Committee on Ways and Means.

Mr. BUNNING. I thank the gentleman, the ranking member of the Committee on Ways and Means, for yielding to me.

Mr. Speaker, my wife, Mary, has always been a big believer in the old saying—"If you can't say something nice about somebody, don't say anything at all."

She tries to get me to follow that advice. Sometimes, I manage to follow it. Sometimes, I do not do so well.

But Mr. Speaker, if I were following my wife's advice today and if the President of the United States was standing right here on the floor of this House and if he asked me what I thought of this tax bill, I would have to look the President of the United States in the eye and say to him, "Mr. President, that's a mighty nice haircut you got there."

Mr. Speaker, I would rather compliment someone for his \$200 haircut than I would say anything nice about the President's tax bill.

In fact, I cannot find anything nice to say about a tax bill that raises taxes \$322.4 billion in new taxes. It is just downright crazy.

Tax increases just do not reduce the deficit. Congress has proven that over and over again. Every time this body raises taxes, it just turns around and raises spending.

And I have never seen a single economic model which even begins to suggest that you can create prosperity with tax increases. It just cannot be done.

How soon we forget? You do not have to look any further back than 1990. The tax increase did not reduce the deficit. But it did help throw us into recession.

You just cannot ax your way to prosperity and you cannot tax your way to

a balanced budget. It just will not work.

So, no, I do not like the President's tax package and I cannot think of anything nice to say about it.

The energy tax is bad policy—it is counterproductive policy. The waterway user fee is terrible. The Ways and Means Committee did cut this outrageous tax increase in half but that does not make it all that much better. It still is ridiculous.

But the one tax proposal in the President's proposal that stands out above all the others when it comes to unfairness and dishonesty, is the President's proposal to raise from 50 to 85 percent the portion of Social Security benefits that is taxable.

We are not talking about wealthy people here. We are talking about individuals with incomes over \$25,000—couples over \$32,000.

We are talking about people who managed to scrimp and save and put enough money away for his or her retirement years to have a modest income. It is a retirement planning penalty.

Some people have criticized the President's tax plan because it breaks his promise not to raise taxes on middle-class America. Generally they point to the energy tax—the Btu tax—as the culprit, because that tax is passed on to every consumer and every homeowner in the country. This is the trickle-down tax.

But the proposal to raise taxes on Social Security benefits is the real broken promise.

The administration fudged their numbers enough to be able to say that 70 percent of the increased tax burden would fall on people with incomes over \$100,000. This is just not true.

But 70 percent of the increased revenue from the Social Security tax increase falls on people with incomes well under \$100,000—generally seniors with incomes between \$25,000–\$50,000.

The President's tax plans singled out millionaires—people with incomes over \$250,000—for that special 10 percent tax surcharge. But the Social Security tax increase does exactly the same for many people with incomes between \$30,000 and \$50,000. Many of these middle-class, retired folks will be hit with tax increases over 10 percent.

They are not millionaires. They are not even wealthy by most standards. But many Social Security recipients will be hit with 10, 11, 12, even 13 percent increases in their overall tax liability because of this proposal.

That is a crime. But it gets worse. As Mr. GOSS and Mr. ARCHER have mentioned, over and above the outrageous inequity of this kind of tax increase for the elderly, there is another big problem with the Social Security tax increase.

Not only does it penalize savings and investment, it also breaks a sacred promise to Social Security recipients.

When the tax on Social Security benefits was enacted in 1983, the revenues were directed to the Social Security trust fund to insure its future solvency. That was the purpose of the tax—to keep the Social Security trust fund strong.

The administration's proposal does not do that. The President's proposal originally diverted the additional revenues to Medicare. We are talking about an outright raid on the Social Security trust fund. But Democrats on the Ways and Means Committee took it one further step and directed the new money straight into the General Treasury.

That makes the proposal to increase taxes on Social Security benefits an outrageous breach of faith to Social Security and senior citizens.

Mr. Speaker, the Social Security tax increase is not only bad policy, it is a broken promise and breach of faith.

I ask my colleagues to remember, that just 2 months ago, each and every one of you—who was here that day—voted for a motion to instruct House conferees to delete the Social Security tax increase.

The conferees did not do it. The Social Security tax increase is still here—in the reconciliation bill. You cannot hide behind that vote from March 25 any more.

If you vote for this reconciliation bill, you are voting for the largest tax increase in history and for an outrageous tax on senior citizens.

Mr. ARCHER. On the waterway user tax, what emerged and was clear in the bill is still a 250-percent tax increase, is it not?

Mr. BUNNING. It is. In other words, from 19 cents, a proposal of \$1.19, we now have in the bill 69 cents.

Mr. ARCHER. Is it not also true that studies have shown that the use of barges on the water is the most efficient, and the least injurious to the environment, of any mode of transportation?

Mr. BUNNING. It also shows that very clearly.

Mr. ARCHER. And will this not have a major negative impact on the ability of that source of transportation to do its job in competition with other alternatives?

Mr. BUNNING. I can quote you chapter and verse from some of my very good friends who are in that business and who are going to be suffering. Instead of putting them out of business, as one of the members on our Ways and Means Committee said, in 5 years, it will now take 2 years under this proposal.

Mr. ARCHER. I thank the gentleman for making that point because it is very, very important to all of the people of this country.

□ 1950

Mr. ARCHER. Reclaiming my time, Mr. Speaker, why does the gentleman

suppose that President Clinton and his Democrat majority in the House has decided to target senior citizen for this very punitive tax, particularly considering that the ones they target are the ones who sacrificed during their work lives in order to save for their own retirement so they would not be wards of government, or possibly have to continue to work in order to make ends meet?

Mr. BUNNING. Mr. Speaker, if the gentleman from Texas will yield, I do not know the answer, but the fact of the matter is, if there would have been something in this bill to allow a senior to earn more and remove the earnings limit also, I could understand a little better what they are proposing; but the fact of the matter is the penalty on the senior citizens and the breach of trust of the trust fund is something I am not able to comprehend.

Mr. ARCHER. Well, I share the gentleman's inability to comprehend it, because whether you are a union worker who forewent wages during the worklife in order to get a pension for him and then finds that because they get a pension benefit in their retirement years suddenly they are considered to be rich and their Social Security taxes are going to find that 85 percent of them are taxed by the Clinton Democrat program, they have got to wonder, "Why didn't I take my wages up front instead of foregoing them in exchange for a retirement program?"

Mr. BUNNING. Mr. Speaker, if the gentleman will continue to yield, even the Federal employee is going to be doubly penalized under this proposal, for the simple reason of the offset in the Federal retirement in direct relationship to the Social Security benefit; so we are not talking about people just on private pensions, we are talking about people on public pensions who are going to be penalized even more under this proposal.

Mr. ARCHER. Would the gentleman agree that most economists say that the biggest problem in the United States today is a lack of savings?

Mr. BUNNING. That is pretty much the case.

Mr. ARCHER. Would the gentleman further agree that this provision sends just the reverse signal to the American worker that they should not save, because if they save during their work lives they are going to be faced with the highest marginal tax of their entire lives once their Social Security benefits start being taken?

Mr. BUNNING. That is absolutely true.

Mr. ARCHER. That is precisely the wrong signal, in my opinion, to send to American workers.

I greatly thank the gentleman for his contribution.

Mr. BUNNING. Mr. Speaker, I thank the gentleman for the time.

Mr. ARCHER. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. ZIMMER].

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

The eyes of America are on this House as they rightly should be this week as we struggle with the issue of whether to vote for the largest tax increase in this Nation's history, but the eyes of the Members of this House should in turn be on my State of New Jersey, because we have gone through a very similar experience. In fact, if the States are indeed the laboratories of democracy, then New Jersey is one laboratory that blew up because of an experiment that was endeavored to be performed by our Governor, former Congressman Jim Florio. This is an experiment which unfortunately Bill Clinton wants to replicate.

It was 3 years ago that Jim Florio took office after a campaign in which he said that we did not need to raise taxes, and in a very eerie situation of *deja vu* all over again, we can recall, those of us from New Jersey, that he took office and he said he was shocked to find that the deficit was far larger than he had anticipated it was, and it was all the fault of his Republican predecessor.

So in short order, he proposed a massive tax increase, the greatest tax increase in the history of our State, and he told the middle class whose taxes were going to be increased that they should feel good about it because the rich were going to pay even more.

It was railroaded through the Democratic State legislature, signed into law, and when that happened Jim Florio promised us that this massive tax increase was going to pave the way to prosperity for the State of New Jersey.

He promised us that New Jersey would lead the region and the Nation out of the recession, that we would no longer have annual budget crises, that we would no longer have to fix holes in our budget with one-shot gimmicks, that we would be a model for the rest of the Nation.

It is 3 years later now and that experiment has had an opportunity to play out.

And what has happened? New Jersey which in the 1980's had an unemployment rate that was 2 percent below the national average, with quite some consistency, now has the highest unemployment rate in the Nation amongst all industrialized States, 9.1 percent, 2 points above the national average, way above all our neighbors.

We are a basket case. The economists in the State of New Jersey are saying that there is no way out and they can see no light at the end of the tunnel.

We are leading the Nation in foreclosures. We have 1 family out of 110 declaring bankruptcy. Businesses are trying to escape the State of New Jersey, and the \$2.8 billion tax increase which was the record-breaking tax increase that Jim Florio gained through

legislation never yielded \$2.8 billion, because the economy went in the tank. Jobs were lost, income was reduced, profits were lower, and so as a result the budget still was a mess and we have not been able to balance it without gimmicks and without one-shot expedients ever since.

□ 2000

That, I think, is very instructive for us here at the national level. It should teach us that we cannot tax our way to prosperity. It should teach us that the only way to achieve real stability, and real prosperity and real budget responsibility is cutting the spending, and in fact that is what a Republican legislature, which was overwhelmingly elected after the Florio taxes went through, forced the Governor to accept: major spending cuts.

But that should be the first alternative, and that, of course, is what all our constituents are telling us. They are telling us, "Cut first. Don't even talk to us about tax increases until you cut the spending."

It is ironic that yesterday Gov. Jim Florio was awarded the Profiles in Courage Award by members of the Kennedy family for, among other things, increasing taxes on the people of New Jersey. One reason it is ironic is because it was J.F.K. who advocated lower taxes. It was J.F.K. who said, "A rising tide lifts all boats." And it was J.F.K.'s tax cuts that gave us the prosperity of the 1960's. I think the real Profiles in Courage Award should go to those representatives at the State and Federal level who have the courage to cut spending rather than to take the easier route and increase taxes.

I yield back.

Mr. ARCHER. Mr. Speaker, I thank the gentleman from New Jersey [Mr. ZIMMER] for his contribution, and he has graphically portrayed a microcosmic example of what is involved in the Clinton Democrat budget of extremely high increases in taxes with virtually little or no spending reductions, particularly in the first 2 years, and I am sure the gentleman is aware that in the first 2 years of the Clinton Democrat budget proposal that will be represented in reconciliation on the floor, expected this week. It includes zero net spending reductions in the first 2 years. Now, there are some minor cuts in spending in a few categories, but the increased spending for new projects and new programs offsets the minor cuts that are part of the budget. So, the result is that there are zero zero net spending reductions in the first 2 years, whereas the taxes, the massive tax increases, are effective immediately, and in some cases retroactively to the first of January this year.

So, it is a parallel to exactly what the gentleman from New Jersey [Mr. ZIMMER] has laid out before this body that occurred in New Jersey, and clear-

ly, if we are going to work our way out of this fiscal mess, we must have a dynamic economy with workers improving their standard of living, generating a greater gross national product, and higher and higher taxes clearly are negative to that.

Mr. ZIMMER. Mr. Speaker, if the gentleman would yield, I think that New Jersey is a case study in that. It is exhibit No. 1. It is a shame that millions of New Jerseyans have had to suffer economically to teach the Nation this lesson while other States which face similar crisis resisted the temptation to increase taxes. They cut spending, and they are having unemployment rates lower than the national average. They are coming out of this recession, States like Massachusetts under Governor Weld, Michigan under Governor Engler and so on—Wisconsin under Governor Thompson. These are States that did not succumb to the temptation of increased taxes, but rather to live within their means and to allow the private sector to bring prosperity and more revenues to those governments.

Mr. ARCHER. Mr. Speaker, I thank the gentleman from New Jersey [Mr. ZIMMER], and I now yield to the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Speaker, I thank the gentleman from Texas [Mr. ARCHER], and I want to congratulate him for holding this special order tonight on the eve of what may be a most momentous vote in this House in the next 2 days on the largest tax increase in the history of America. Certainly the viewers of this proceeding have every right to know what is happening in their House, this House here, and I would like to talk about all of it which the gentlemen have so eloquently gone into. I would just like to comment a little bit about what the tax increase means to the agricultural economy of America.

Mr. Speaker, there are several things in this reconciliation bill that should make American agriculture stand up and maybe shiver with fear. First of all, as we came out of the Agriculture Committee on a very partisan vote with the reconciliation bill, we are going to cut over \$3 billion from production agriculture. Those are the programs that are meant to keep America competitive, to allow the American farmer to put reasonable food on the table of Americans and yet be competitive in the world market. But we are going to cut \$3 billion out of that. That is an 11 percent cut in the budget, and that is on top of 4 years of cuts in the neighborhood of 10 percent each year. So, this could very well cripple our farm program.

But in addition to that, Mr. Speaker, then, of course, we are going to raise spending \$7 billion for the food stamp program, which to most of Americans will make it look like the agricultural

segment is getting \$4 billion in new money.

But included along with all of this are the tax effects on the agricultural industry of America. It is truly the finest agricultural industry in the world. We could put them in dire straits with the Btu tax, and we should not be fooled because they took half of the Btu tax off. It is still a terrible tax on an industry that everything they use incorporates energy into the product that they make, whether it is livestock, whether it is corn, soybeans, tobacco, cotton. It does not matter, Mr. Speaker, and this tax will cost the average farmer, even with the reduction, hundreds of dollars for each average farmer.

And then we add to it the waterway tax which is particularly heavy on the mid-States: Illinois, Iowa, the States that depend on the waterway and the Mississippi river, and this will cost us 3 to 6 cents a bushel for every bushel of grain that we want to ship. It is a tremendous burden, another \$800 out of the pockets of the average farmer.

When we take the cuts in their programs, Mr. Speaker, the new taxes, we have a brewing disaster in rural America, and I predict we will be back here trying to resolve it with Federal dollars within the next 2 years, and all of that when we could turn loose the great engine of this country that drives our economy and let the private sector do it.

Of the \$70 billion the administration hopes to raise from the Btu tax, Mr. Speaker, we are going to give 40 back, or somewhere in that neighborhood, to new programs to justify the raising of the \$70 to \$80 billion in the Btu tax. We would not even have to have all the Btu tax if we were not going to have these programs to make lower income Americans hold themselves harmless from this tax—

Mr. ARCHER. Mr. Speaker, will the gentleman allow me to comment on that?

Mr. EWING. Certainly.

Mr. ARCHER. It was interesting to me that last night one of the Members said it was going to be the tax and the higher rates on the rich that was going to pay for these extra welfare benefits, but in reality the extra spending that the gentleman talked about was put in the bill to soften the very negative impact, regressive impact, of the energy tax on these lower income people. So, the gentleman is absolutely correct that a tax that will generate in gross roughly \$100 billion of new revenue for the Federal Treasury after all of the deductions and paybacks will only impact on the deficit to the amount of \$31 billion.

Mr. EWING. It is incredible. We are going to make lower income people out of American farmers, and while they will be paying the tax, there will be no reimbursement to them through these

programs. They are going to pay—middle-class America, farmers, laborers—all of us are going to pay this Btu tax, and we are going to take out of our economy \$70 billion or more and let the Government spend it.

□ 2010

I think it will have devastating effect on Illinois. Probably thousands of jobs will be lost. In fact, there are predictions that in my district alone we will lose 1,000 jobs because of the Btu tax.

Mr. Speaker, I would like to make one other point. There was a tradeoff on the Btu tax. We have had ethanol. We have been trying to promote ethanol for a number of years. It makes good sense. It is renewable fuel made from a renewable source by American workers in this country. They are able to do that because of the tax exemption they had.

The exemption has been in and out, whether ethanol would be covered by the Btu tax. It was in, it was out, and it is back in. It can kill this industry. In addition, it will stifle the growth of the sale of corn in America for this very use, a way that we can take our corn and make it into gasoline additives and put it into our cars. It is crazy that we should be doing that. I know that the gentleman from Texas [Mr. ARCHER] knows that. I know the gentleman fought against it.

Because it is back on ethanol, then we are going to take half of the Btu tax off of diesel fuel. I understand we may have to color it purple so that we can tell that which should be taxed from that which should not be taxed for American farmers. That ought to be an interesting enforcement problem for this administration.

Mr. ARCHER. Mr. Speaker, the gentleman makes an excellent point, and particularly concerning the energy tax on fuel. It is going to open up the door to massive evasion, tax evasion, because home heating oil, which gets an exemption from the punitive oil tax but not from the basic tax, and those people who buy home heating oil should understand that for the first time there is going to be a Federal tax on what they use to heat their homes, but it just will not be as big as the tax on diesel fuel.

Yet, home heating oil has the same chemical properties as diesel fuel, and you can be sure that a lot of home heating oil will be driving trucks on the highways of this country before all is said and done.

Mr. Speaker, I would thank the gentleman for his points, which were extremely well taken. In addition, I would add for the farmers of this country, every single product that they buy that has been manufactured in the United States of America will increase in cost because of what our colleague from Kentucky, Mr. BUNNING, called

the trickle-down energy tax, whether it is in the clothes they buy with synthetic fabric to put on their backs, or whether it is the fertilizer that they buy that is made from energy, or whether it is any aspect of their lives. The equipment they buy that is made from steel, which requires tremendous consumption of energy, they are going to see their costs increase tremendously.

Mr. EWING. Mr. Speaker, one thing I discovered recently in studying this legislation, which may have already been said here, that just incensed me is the fact that we have indexed it to inflation. So every year we can increase the tax on Americans silently, steal it in the middle of the night and bring it back to Washington. We ought to be ashamed of that type of action in this body.

Mr. ARCHER. I thank the gentleman from Illinois for his contribution.

Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, I would like to thank my colleague, the distinguished ranking member of the Committee on Ways and Means, the gentleman from Texas [Mr. ARCHER]. As you know, the gentleman made the point a few minutes ago that the President's budget actually in the first 2 years increases spending. A number of my colleagues on the other side of the aisle are still intrigued with the possibility of trying to offer an alternative to the President's budget which would strip out the Btu tax and instead substitute it with cuts.

If I could for the next few minutes, I would like to point out a proposal drafted by a number of my Republican colleagues on the Committee on Ways and Means, the Committee on Education and Labor, and the Committee on Energy and Commerce, on which I sit, which will explain one of the reasons that the President's budget actually increases spending in a number of areas.

While frankly, in this area, it is another substitute we would like to see offered and approved by the Committee on Rules so we would have an opportunity to reduce spending, this is again a perfect illustration why the President's budget increases spending on some programs and not necessarily intelligently so.

My Democratic colleagues in the House right now are talking about trying to figure out a way to put caps on entitlement programs. As anybody who has taken a look at the Federal deficit understands, nearly 50 cents of every dollar we spend here in Washington goes to entitlement programs. Those are programs which rise every year by the cost of living, whether those of us who are in Congress do anything whatsoever.

Now, the President and his administration suggested several weeks ago we

were about to announce a \$4 billion entitlement program for childhood immunization. I, like a number of my colleagues in the House, and I am sure the gentleman from Texas [Mr. ARCHER] is one of them, am deeply concerned about pockets in this country where the immunization rate is actually much lower than Third World countries. I think we are all horrified by that.

But if we are going to be spending money on a new program to solve the childhood immunization program, I would suspect a \$4 billion entitlement program is not the way to do that.

Initially, the administration, incredibly, wanted to nationalize the vaccination business in the United States, to take it completely over. The Federal Government would buy every single dose of vaccination, of immunization sold in the United States.

Now, does it really make sense when we have a \$3 trillion deficit to have the Federal Government buy the vaccination to treat Donald Trump's kids or Ross Perot's grandchildren? Where is the sense in that?

So the administration came back several weeks ago and cut it from \$4 billion to \$2 billion. But again let me take a minute to explain some of what happens.

First of all, every year right now the Federal Government covers about 6.5 million children under the Medicaid Program. Right now the Federal Government picks up 55 percent of the cost of the vaccinations and the State governments pick up 45 percent of the cost. That is the way it has been for years and the way we think it should continue.

But under the President's current proposal, the Federal Government will now pick up 100 percent of the cost of immunizing children under Medicaid in the United States.

Now, as I am sure my distinguished colleague, the gentleman from Texas [Mr. ARCHER], appreciates the fact, most State budgets in the United States are in the black and the Federal Government's budget is in the red. So why in God's name are we about to basically double the outlay of the Federal Government to buy vaccinations for kids covered under the Medicaid Program? That is not part of the problem.

In addition, the administration's proposal is going to cover another 4 million children plus whose families have insurance but who do not have childhood immunization covered under the package.

The Congressional Budget Office estimates that that decision will basically provide coverage to 4 million children whose families make more than \$29,000 a year. Again, it could be Donald Trump's kids and he could have the best health insurance plan in the country, but it simply does not cover immunizations. We are then going to have

the Federal Government pay the cost, and that is another \$800 million a year.

Why are we spending \$800 million a year to vaccinate children of folks who make more than \$30,000 a year? If you take a look, interestingly, at a number of health care plans offered for Members of Congress, you will discover that many of us under our current health care plans do not have immunization coverage. So for Members of Congress, who make more than \$130,000 a year, the Federal Government is going to turn around and buy our children immunization programs.

Mr. Speaker, this is where we really should be spending money, which is on the last line here, which is 400,000 more kids under the age of 5 whose families make less than \$30,000 a year and who have no health insurance. That is money spent wisely, and that is what the Republican alternative will do.

Mr. Speaker, let me make another point. If you look at who does not have immunization in this country and what kids have not been vaccinated, it is clear that there is a high correlation between poverty, families on public assistance, and children who have not received immunizations.

In my home State of Wisconsin, in Milwaukee, several years ago, there was a horrendous outbreak of measles. So the assumption has been that somehow the cost of vaccination prevented those kids from getting the treatment they should.

But look at this. In Milwaukee nearly 90 percent of the children who are eligible for Medicaid coverage, where vaccinations are already provided free, had not gotten vaccinated. And look at these percentages for Los Angeles, 70 percent, and for Chicago, above 60 percent, and for Dallas, in the home State of the gentleman from Texas [Mr. ARCHER], the figure is about 40 percent.

□ 2020

Now, there are 11 States in this country which already provide vaccinations free to everybody who asks for them. No questions asked. And the public vaccination rate in those areas, where the public vaccination rates in those areas are at about 62 or 63 percent. And in States like my home State of Wisconsin, where there is a mix of public and private, and the Federal Government picks up the tab for families who cannot afford it and for families who can, including Members of Congress, we pay our own bills, and in those States, we discover that the vaccination rate is about 58 percent.

So if there is a cost problem in this country, it may be for 5 percent, maybe 10 percent of the population who are marginally pushed out of programs. But there is no evidence whatsoever to suggest that cost alone is the major barrier.

The major barrier, as I am sure the gentleman from Texas [Mr. ARCHER]

understands, is the fact that we have a number of families who simply will not take responsibility for their own children.

So here is what the Republican alternative will do. Rather than spending \$2 billion, we spend about \$200 million, save the taxpayers \$1.8 billion that does not have to be spent on families who make more than \$30,000 a year.

First of all, it obviously reduces the unnecessary Federal funding. Under the Medicaid Program, we are again, rather than paying half the cost for immunization of children in Medicaid, we are now going to pick up the whole tab. And rather than providing another \$800 million in Federal funding for families who make more than \$30,000 a year, we are going to push it specifically at kids who are not being vaccinated.

We are going to spend, under the Republican plan, an extra \$50 million a year to give the States for community outreach and community education. We are going to spend another \$75 million a year giving States the opportunity to track children, to make sure that kids get an immunization shot once and complete the cycle, because oftentimes between the age of zero and 5, when they finally head to kindergarten, where about 95 percent of the kids are immunized, kids drop out of the program, and they get one DPT shot or one measles shot and then completely disappear.

So we are going to make \$50 million available for States to do outreach programs, another \$75 million a year to give States the money to track kids.

And then finally, here is the important point, we are going to turn around and give States across this country the opportunity to leverage public assistance programs, to make sure that the parents, who right now are not getting their kids immunized, will get them immunized. This is already being tried in a number of places across this country.

For example, in the State of South Carolina, there is now a law on the books that says no child can get into any kind of day-care setting unless they have been immunized. There is a law in Maryland, for example, that says any family that gets their kids covered under Medicaid and gets their child an annual checkup gets a \$20 bonus for each child. And if they do not get their child immunized, their AFDC payments get cut.

The gentleman from Texas [Mr. ARCHER] will appreciate that fact, because there is some hard empirical evidence that for the 5 months leading up to the Maryland program, where it simply laid out the responsibility and the obligation to get kids vaccinated, there was no increase whatsoever in the level of children who were being vaccinated in the program. And then Maryland put the provision in the law which also had parental responsibility and parental

penalties. And in the first 3 months after that law was enacted, an additional 3,500 children showed up at Maryland vaccination clinics. And State officials were absolutely dumbfounded.

So the Republican initiative says to those States, you have got a waiver to try any kind of program you want, whether it is the Maryland program, which says there is a bonus if you get your kids immunized and penalties if you don't, whether it is the South Carolina program, which bans kids from getting into preschool programs and into day-care programs unless they have been immunized, whether it is the Georgia program, which already specifically indicates that if families do not get their kids immunized, then their AFDC payments will be cut back.

Now, some of my colleagues will say that is being tough on poor families, but certainly the indications are, in a number of welfare reform proposals that my colleague, the gentleman from Pennsylvania [Mr. SANTORUM] has been involved with, a colleague of the gentleman from Texas [Mr. ARCHER] on the Committee on Ways and Means, the indications are clear that money alone is not a barrier to get children immunized.

Parental responsibility has to play a key role. So in the day ahead, for those Americans having an opportunity to watch this program tonight, there are several key points. Are we going to rush forward with a Btu tax that my colleague, the gentleman from Texas [Mr. ARCHER] and the gentleman from New Jersey [Mr. ZIMMER] and the gentleman from Illinois [Mr. EWING] have made a very passionate case against, because it is simply bad economics. You cannot tax your way to prosperity. Washington has never had a revenue problem; Washington has always had a spending problem.

And if, as we heard Republican and Democratic speakers say throughout last year's Presidential Conventions, and throughout the conventions themselves, even Barbara Jordan, a colleague of the gentleman from Texas [Mr. ARCHER], a black woman, very prominent Democrat, talked about cutting back entitlement programs.

My colleagues, again on the Democratic side here, and I applaud the gentleman from Texas, Congressman STENHOLM, and others who are willing to say we will never get a handle on Federal spending unless we cap entitlement programs. And here we find, tucked in the Clinton budget, a \$2 billion program that will create new entitlement spending, that will increase every year and again provide vaccinations and immunizations to families who make \$30,000 a year, to Members of Congress, if their health insurance does not cover it at \$130,000 a year, and again to Ross Perot's grandchildren or Donald Trump's kids.

We cannot do it. We are broke. And if we are going to spend money, consider the Republican alternative, which spends \$225 million in the pockets of immunization shortages that the Centers for Disease Control has already identified and does not spend money in Sausalito and in the rich suburbs of Chicago or the boroughs of Manhattan, where we do not need to spend any more Federal money.

I applaud my colleague for all the work he has done on the Committee on Ways and Means to show the shortfall of the Btu tax.

It is my sincere hope that my Democratic colleagues will be allowed to offer their amendments in the Committee on Rules, and I also hope that in the end the Committee on Rules will allow us to offer the Republican alternative to spend \$200 million to take care of the kids who need the help and save another \$1.8 billion that does not need to be spent.

Mr. ARCHER. Mr. Speaker, I thank the gentleman for his graphic presentation, which I am sure the American people will understand that we do not need broad, new entitlement programs to solve problems.

Mr. KLUG. Absolutely not.

Mr. ARCHER. That is the important point that we are trying to make.

We also do not need massive new tax increases. We need to restrain the appetite of the Federal Government for spending. I am sure the gentleman will join with me in urging the Committee on Rules to make in order the Kasich budget alternative, a complete alternative for this high tax budget of the Clinton Democrats that will get the deficit down by the same amount without any tax increases.

I rather suspect that when we go before the Committee on Rules later this week, controlled by a big majority of Democrats, that they will accommodate their leadership's directions and prohibit even a vote on that.

It has specific spending cuts in it that the President has asked for. It has already been voted on once this year and defeated by a straight party line vote. I would, once again, ask our Democrat colleagues to go to the President and tell him, the Republicans are not nay sayers. They have an alternative. We have already voted down those specific spending cuts.

They should tell him, "Mr. President, take a look again."

So let us wait and see what the Committee on Rules does in making in order your amendment to prevent and obviate the need for another massive entitlements program and the overall Kasich budget, which would eliminate the need for any new taxes.

Mr. KLUG. I thank the gentleman. I think he makes an excellent point.

My colleague from Texas is absolutely right in this area. Again, the problem in Washington has always

been a problem of expense, never a problem of revenue. And there is no evidence whatsoever that the Btu tax is going to help the economy one bit.

And there is not any evidence, again, based on what the gentleman from New Jersey [Mr. ZIMMER] had to say, that it is going to do much to solve the budget deficit.

Tax increases did not solve the budget deficit in New Jersey. Tax increases did not solve the budget deficit in California. And it is my sincere hope that when we look forward to the Committee on Rules action later this week, that even if we are allowed to debate this issue and we lose, that at the very least we should be able to debate and offer Republican alternatives, including the budget substitute of the gentleman from Ohio [Mr. KASICH] and including the immunization alternative developed by my colleagues on the Committee on Energy and Commerce, the Committee on Ways and Means, and the Committee on Education and Labor.

Mr. GRANDY. Mr. Speaker, the agricultural community is being asked to shoulder an unfair unequal portion of the energy and barge user fee taxes.

The energy tax hits farmers three times: Higher production costs, higher indirect costs, and higher transportation costs. Production agriculture can not pass on these increased costs. The impact is only compounded by the fact that farmers are also consumers and will have to pay higher prices on their consumer products due to the energy tax.

Many articles have reported that agriculture interests were protected when the Ways and Means Committee adopted the Democrat amendment regarding a Btu tax exemption. Here's the rest of the story.

The Ways and Means Committee attempted to make the Btu tax more palatable to the agricultural community by exempting diesel fuel utilized for off-road purposes from the supplemental Btu tax of \$.342 per million Btu's. This reduced the tax that farmers will pay on diesel fuel from 8.37 cents per gallon to 3.59 cents per gallon.

Assuming that approximately 95 percent of the 2.8 billion gallons of diesel fuel used per year on the farm qualifies for the limited exemption, it would reduce the farmers' cost for the Btu tax on diesel from \$232 million to \$107 million per year.

However, some of this savings is reclaimed, as the Ways and Means Committee raised the basic Btu rate from \$.257 per million Btu to \$.268 per million Btu's to offset the exemption given to agriculture. This has the impact of raising the Btu tax on other energy utilized in agriculture by \$12 million.

Custom harvesters will be devastated by the proposed Btu tax. Energy is the very core of the harvesting business. Each year roughly 48,000 gallons of fuel is consumed by the harvesting operations. The energy tax could increase their operating costs by more than \$4,000 a year.

Custom harvesters face further problems from another proposal in the budget plan which would reduce the deductibility of their

meals to only 50 percent. This would increase harvesters' costs by another \$1,000.

The American Farm Bureau has estimated that the proposed Btu tax and the adjustments in farm program payments will cost farmers \$1.7 billion per year when fully implemented. When President Clinton promised during his campaign not to raise taxes on the middle class, I am sure the rural communities did not know that he intended to do this by lowering incomes. Full-time commercial farmers will see their incomes reduced over \$2,500 per year due to lower revenues as a result of the tax plan.

Despite cutbacks in other areas of the USDA budget, the administration proposed that \$7.3 billion be added to the Food Stamp Program. The irony of the proposed budget is the fact that the administration is requesting approximately \$4 billion for low income energy assistance to offset that impact of the Btu tax. In other words, the reason that the agriculture budget is reduced by \$3 billion per year is to pay for the increased food stamp assistance which is necessary due to the Btu tax. The effect on farmers is compounded by this act; higher input costs due to the energy tax and lower farm program payments.

Unfortunately, the higher cost to agriculture does not end there. The House Ways and Means Committee proposal also contains a very convoluted provision which requires diesel fuel to be dyed different colors depending on whether the fuel will be used for on-road or off-road vehicles.

This provision will require most commercial farmers, who have trucks and pickups that run on diesel fuel, to purchase new diesel fuel storage tanks and pumping equipment to separate the two fuels. The cost of such equipment will probably average between \$1,000 and \$1,200 per unit. Somewhere between 400,000 and 500,000 farms will most likely have to install such equipment. The total capital cost for the agricultural community will be \$500 million. Therefore, the annual capital replacement costs plus annual operation and maintenance costs will be about \$70 million per year just to separate their diesel fuel.

Farm cooperative suppliers and other petroleum marketers will also feel the impact of this dyeing proposal. The cost of installing a 12,000-gallon tank for a distribution facility is approximately \$30,000 to \$35,000. This estimate from Mobil Oil.

In addition to all the above costs, there is another area that has been seldom mentioned in the discussion of the Btu tax proposal. The administration's Btu tax proposal rescinds a 22.5 cent per gallon special tax on fuel set to expire September 30, 1995. This tax was part of the Omnibus Budget Reconciliation Act of 1990, which increased the manufacturer's excise tax on these fuels by 5 cents per gallon effective December 1, 1990, and extended the expiration date for these taxes, formally September 30, 1993, to September 30, 1995. Half of the increased 2.5 cents per gallon goes to the general fund of the Treasury for deficit reduction rather than to the Transportation trust fund. Therefore, these taxes were not and continue to not be subject to the off-road fuel exemption. This will cost the agriculture industry \$105 million per year.

The Ways and Means Committee added insult to agriculture's injuries by adopting the

proposal to strike the exemption for ethanol, a product of corn, from the Btu tax. The committee provided exemptions for other renewable fuels. Few things are as renewable as corn, especially in the State of Iowa.

This budget package increases farmers energy and input costs, decreases market development for ethanol, and lowers farm program payments—but wait that's not all—

INLAND WATERWAY USER FEE

President Clinton has proposed a \$1.00 phase in increase of the inland waterways diesel fuel tax by 1997. This tax will have a significant impact on methods and patterns of transportation. Presently, the barge industry pays a fuel tax of 17 cents per gallon. In 1994 the tax is scheduled to increase to 19 cents per gallon. The current fuel tax is used to fund new waterway construction projects. The new additional tax will be used to fund all operations and maintenance costs of the Corps of Engineers.

Six Democrats on the Ways and Means Committee signed a 4-page letter to Chairman ROSTENKOWSKI which outlined the parameters of the devastating effects of the barge tax. The members recognized that the proposed tax could have a very expensive environmental price tag. My colleagues stated that "Eliminating even one small river tow of 12 barges could add 720 tractor trailers to the highways with resultant air pollution, traffic congestion, wear and tear on the roads, and higher consumer costs."

The letter stated that the barge industry is capable of moving 1 ton of commodity 514 miles per gallon compared to 202 miles per gallon for the rail industry and 59.2 miles per gallon for the trucking industry. Further, these members of the Ways and Means Committee stated, "Major grain producing areas which would be affected as a result of increased costs include those in the Columbia River Basin and the Mississippi and the Missouri River Basins." These members asked that this proposal be deferred until the administration and Congress had conducted a complete review of the environmental and export-market impact. Although it appeared that these members understood the potential for very far reaching dramatic impacts of this tax proposal, these members voted to raise the barge tax by 50 cents instead of the \$1.00. So, it will just take a bit longer for the devastation to unfold.

If this fuel tax is imposed on the barge industry it will have a stifling effect not only on the barge industry but also on the agriculture and coal industries, and on rural communities along the river which depend on the waterway for its lifeblood. The administration contends that "[t]he economic impacts upon the system and its users will not be excessive". Recall that the proposal by the administration was a 525-percent tax increase. The amended version which was introduced and passed by the Democratic members of the Ways and Means Committee, imposes only a 262.5-percent on the industry.

Sinking the barge industry would have a wide-ranging economic impact. Barges transport 15 percent of the Nation's goods including more than half the export grain, a quarter of the coal and 30 percent of the petroleum and petroleum products in the nation.

The OMB describes inland waterways "as the most heavily subsidized form of commercial freight transportation." This is a blatant misrepresentation. CBO has calculated the Federal investment based on a percentage of the freight bill rather than on a basis of per ton-mile. The barge industry is being penalized for being efficient. If their rates were higher, CBO's formula would show that their subsidy was lower.

OMB justified the 525 percent proposed increase by stating that "Since the inland waterway system was constructed for commercial navigation beneficiaries, they should pay for all corps operation and maintenance costs". OMB's rationale incorrectly assumes that the barge industry is the sole beneficiary of the locks and dams which comprise the inland waterway system. The corps mission to operate and maintain the locks and dams is not restricted to commercial navigation, but includes flood control, hydropower, municipal and agricultural water supply, and recreation.

Passenger vessels, State, local, and Federal Government crafts and recreational vessels also use the inland waterways. However, these vessels are currently exempt from the fuel tax. There is no indication that they will share the burden of this additional fuel tax.

The recently released GAO study, "Maritime Industry: Federal Assessments Levied on Commercial Vessels" shows that waterborne commerce currently bears a heavy tax burden. Assessments levied by 12 Federal agencies on waterborne trade totaled \$1.9 billion in fiscal year 1991 alone.

The U.S. Department of Transportation measures energy efficiency by the number of Btu's required to move 1 ton of cargo 1 mile, a ton mile. Shallow draft water transportation has proven to be the most energy efficient method of freight transportation for moving bulk raw materials. A recent report by the U.S. Department of Transportation Maritime Administration compares the fuel efficiency of rail and water transport. Barges expend 433 Btu's per ton mile; while it takes 696 Btu's to move the material by rail.

ENVIRONMENTAL ADVANTAGES

The administration has taken affirmative steps to advance environmental initiatives. However proposals that divert transportation from waterways to roads and rail fly in the face of responsible environmental initiatives.

Environmentalists should be up in arms at the very proposal of barge tax due to the fact that the administration critically jeopardizes the environment. The U.S. Department of Transportation, Maritime Administration recently reported that:

Barge transportation is a low-energy form of transportation, and shifts of traffic to high-energy forms would be inconsistent with the nation's energy conservation efforts. The environmental advantages of water transport should be weighed when considering any activity that would result in a shift of cargo from the waterways to a land form of transport.

Barges are environmentally friendly, the transportation paths are away from densely populated centers. Barges are double hulled and have compartmented cargo tanks, which improves transportation safety. Conversely, virtually all railroad tank cars are equipped

with single-skin tanks. The nation will be sacrificing environmental protection by shifting from barges to rail.

For each barge load diverted to rail 10 to 40 rail cars must be utilized to carry the same tonnage. Most transportation systems cause a great deal of air and noise pollution, road traffic is the greatest offender. Conversely, barge transportation has a relatively minor impact on air quality, consumes less energy and emits an insignificant amount of noise.

BARGE FEE AND AGRICULTURE

The U.S. Corps of Engineers reported that in 1991, 73.3 million tons of agricultural products were transported on the Mississippi River and its tributaries. In 1991, 65 percent of all U.S. grain exports, a total of 63 million tons with a total value of \$10 to \$15 billion, moved on the inland waterways.

On April 5, 1993 the corps released its analysis on the effect of the proposed user fee. According to the corps, about 38 percent of the barge grain traffic would be diverted to the railroads. The corps also estimated that the additional costs to the shippers of farm products would amount to \$137 million.

Diversion of cargo to other modes of transportation does not make sense because barge transportation is the most fuel-efficient and environmentally friendly mode of transportation.

Towboats which move barges burn approximately 1 gallon of fuel for every 1 horsepower per day used. Therefore, a 5,000-horsepower tugboat burns 5,000 gallons of diesel fuel per day. Presently, at the 17 cent per gallon rate it costs the barge company \$850 a day for the fuel tax. The 50 cent fuel tax increase would increase the barge company's fuel tax costs to \$2,925 per day.

This tax would also impact the products moving upstream. Fertilizer is a major commodity which travels up river. This tax would add significant costs to farm inputs. A barge company has informed me that for every 10 cents/gallon tax increase amounts to 66.5 cents per ton delivered to Sioux City, IA. A tax of 50 cents per gallon equates to \$3.33 extra cost. Hence, the total freight bill for bringing fertilizer upstream will be roughly \$6.70 per ton.

The proposed fuel tax hits close to home. An additional fuel tax of 10 cents per gallon increases the barge company's operating costs by 4.5 to 5.0 percent. Hence, a 50 cent increase would impose transportation costs of 10 cents per bushel for grain leaving Sioux City.

In 1985 the Department of Agriculture studied an inland waterway user fee proposal that would have imposed an additional 5 cents per bushel tax or roughly an additional \$1,000 per barge load. The study showed that the farmer would bear 70 percent of this cost. Raising the barge fuel tax from 19 cents to 69 cents will equate to roughly a \$6,900 a day tax increase for a barge that burns 10,000 gallons of fuel. This will also be borne primarily by the farmer. The National Grain and Feed Association estimates that this tax will cause declines in annual farm income of up to \$220 million per year, just in those States which border the waterways.

The administration has not considered the impacts of the barge fuel tax proposal on transportation infrastructure. Since the enact-

ment of the Staggers Act of 1980, the number of major rail carriers has been substantially reduced through mergers and consolidation. The remaining rail carriers naturally exercise significantly greater power in a now substantially deregulated environment.

Since the late 1980's, agricultural rail shippers have experienced significant periods during each marketing year when rail cars have not been available for timely shipment of grain and oilseeds. This has resulted in lost market opportunities and lower cash prices for local producers. The disparity of this situation will only be accelerated by this tax on barge fuel.

Exports of U.S. grains and coal are directly impacted by taxes and user fees because the prices are determined by worldwide supply and demand. It is very unlikely that this proposed increase in transportation costs could be passed on to foreign buyers who have a large choice of alternative suppliers.

The recent GAO study reports that a typical 50,000 metric ton shipment of corn from New Orleans to Japan via the Panama Canal incurs \$120,423 in maritime and user fees. The proposed \$0.50 increase in the inland waterways fuel tax would add another \$136,800 in costs to such a shipment, bringing the total taxes and user fees associated with a typical export of corn to a staggering \$257,223 or \$5.14 per metric ton.

This barge fuel tax increases the cost of coal in addition to the Btu tax. Currently, the fuel cost for coal exported from the Ohio Valley is \$3.29 per ton from the Kanawha River to the Gulf of Mexico would rise to \$5.50 per ton when the \$0.50 fuel tax is imposed. Fuel costs for the iron and steel industries would dramatically rise—from \$1.18 per ton to \$2.00 per ton for hauls from Big Sandy to Pittsburgh.

Electricity generation costs would rise. Eighty percent of the barged coal goes to electric utilities, and half of the Nation's electricity comes from coal. One electric utility, Southern Co., estimates that the \$0.50 tax will raise its annual coal bill by \$10.5 million. For electric utilities, adjusting to higher coal prices will be more complex than merely passing on the increase to consumers.

OMB'S RESPONSE

On May 13, 1993, the Office of Management and Budget responded to some of the questions regarding the proposed inland waterway user fee which arose during the Ways and Means Committee markup session on the fiscal year 1994 budget reconciliation bill.

The OMB reiterated that it was the administration's intent to increase the barge fuel tax to recover the cost of operation and maintenance of the inland waterway. OMB stated that it is the administration's intent that the increased fee be imposed upon the users of the system. There is one very simple flaw to this proposed tax—the burden is not shared by all the users; in fact only one industry bears the costs—barges, not the recreational user, not the home owner that benefits from the flood control which the waterway provides, not the power company or municipality which uses the waterway for power production—only the barge industry pays the bill.

OMB recognized that the tax may have some impact on the industry, but recommended that "the phase-in process should properly be begun while any questions about

the data are resolved." It appears that OMB would rather wait and see the extent of the devastation on the barge industry and rural communities before considering altering the tax increase.

OMB further stated, "the administration recognizes that there will be some economic impacts in moving toward a user fee that covers the full costs of the system, regardless of the merits of doing so. However, the administration believes that the pain of that transition will be less than some observers have suggested." OMB contends the estimates by the Corp of Engineers that approximately 38 percent of the barge grain traffic, approximately 30,278 tons, will be diverted to rail are too high. However, OMB did admit that it estimated that up to 25 percent of the grain transported would be redirected to rails—only 19,780 tons.

OMB does not believe that rail rates will increase as a result of the increase in the Inland Waterway user fee. Although, a recent study by Food and Agricultural Policy Research Institute, University of Missouri indicates that rail rates increase roughly 3 cents for every 10-cent increase in barge rates. The report further stated that the proposed increase in the barge user fee would directly affect the cost of transporting grain down river to the ocean terminals as well as moving fertilizer inland.

However, in the next breath OMB acknowledge that farm income would decline and that deficiency payments would probably increase, but declared that the decreased income taxes paid by farmers would be offset by the additional income taxes paid by railroads.

The merchandising margins in the coal, agricultural products, and commodity areas are very narrow, as are the operating margins of most barge carriers. A tax increase of this magnitude is larger than the combined margins of both the export grain and barge industries. Obviously, this tax cannot be absorbed by these industries.

The only segment remaining to absorb this tax is the producer himself. A 1985 study by the Department of Agriculture showed that the farmer would incur 75 percent of a \$0.05 per bushel fuel tax. Therefore, the farmer will receive less for his products. Further, the USDA has reported that a \$0.05 per bushel decline in corn price would cause additional government costs ranging from \$300 to \$500 million for corn and feed grains alone. The Federal Government would incur additional program costs due to lower wheat and soybean prices.

The American Farm Bureau estimates that farm revenues will be reduced by almost \$150 million per year as it will be the farmer paying for the increased shipping costs due to the fact the barge company can not pass the costs forward and still deliver a product at a competitive price to the world market.

The present proposal estimates revenues in 1997 from this tax to be \$486 million. However, this estimate is based on traffic volume remaining constant or even increasing slightly. It is highly unlikely that the barge industry will thrive when burdened with a tax of this magnitude.

SUMMARY

U.S. farmers will pay an additional \$992 million per year for the Clinton Btu tax when fully implemented and see their farm program ben-

efits and cash receipts from sales decline by over \$700 million per year, a total \$1.7 billion per year hit on agriculture. While this will range from a few dollars a year for small, part-time farmers to several thousand dollars per year for large farmers, the average will probably be about \$2,500 per year for the typical commercial farmer. Moreover, the Btu tax is set to be indexed when fully implemented so it will be increasing each succeeding year.

When the agriculture sector experiences lower incomes; all of the rural community suffers due to the fact that farmers invest locally. They invest in agricultural businesses through the purchases of machinery, buildings, and supplies. Farmers also greatly contribute to the communities through development projects; whether it is for a new show arena at the county fair grounds or community park system.

Agriculture is known for being the backbone of America, but it should not shoulder an astonishing proportion of the tax burden.

Consequently, this tax proposal is not only highly costly to the farm sector in the short term, but it will also be highly inflationary to agriculture and the general economy over the long run.

Vice President GORE stated in his book, "Earth in the Balance," "More than anything else, my study has led me to realize the extent to which our current public discourse is focused on the shortest of short-term values and encourages the American people to join us politicians in avoiding the most important issues and postponing the really difficult choices." It will be costly if we adopt this very short-sighted proposal. We must have the foresight to see the potential for very dramatic and devastating effects of the Btu and barge fuel taxes on the agricultural and rural communities. We must protect the future of agriculture and vote against the budget proposal.

SUMMARY OF COST AND REVENUE CHANGES STEMMING FROM THE CLINTON TAX PLAN

(In millions of dollars)

	Original	Revised ¹
Btu Tax	1,000	887
Continue 2.5 cents special tax	105	105
Extra cost, separate diesel tank		70
Inland waterways tax (net)	300	150
Reduced farm program benefits	600	600
Total annual cost to farmers	2,005	1,707

¹ Based on revised House Ways and Means Committee (Btu tax) and House Agriculture Committee (Farm Program benefits) changes.

Mr. REGULA. Mr. Speaker, I want to thank the gentleman from Texas for reserving time tonight to discuss a very important issue, the President's proposed energy tax. Most Americans probably have not focused on this issue. When you start trying to understand how this tax would be levied and collected your eyes can glaze over and many people probably assume it will not affect them. But they are wrong.

This is a tax that will hit and hurt everyone in this country. It will increase the cost of energy in your home, it will increase the cost to produce and buy consumer goods and services, and will reduce our competitiveness in a global economy, that is, this tax will cost American jobs.

As part of his economic package the President has proposed a number of new taxes, in-

cluding a new comprehensive energy tax based on the heat output, or British thermal unit [Btu], of various forms of energy such as coal, oil, natural gas, and nuclear power. Much of the impact of the President's tax package on the middle class will come indirectly through the proposed new energy tax. On average, the American family of four would pay approximately \$500 more per year.

This tax is inequitable for a number of reasons. For one, it is an extremely regressive tax, costing low-income groups a greater percentage of income than the affluent. It is inequitable in that it proposes to raise 22 percent of the new revenues from an energy sector representing only 8 percent of the economy.

It is also geographically imbalanced. It could prove devastating to the industrial Midwest, a region of the country which has yet to feel the full brunt of the recently enacted Clean Air Act Amendments. Ohio's energy sector is already poised to take a hit from the substantial expense of complying with the Clean Air Act. Compliance costs will actually peak in the 1997 to 2000 period, precisely the time the Btu tax burden reaches its peak.

Ohio, for example, ranks third in terms of total energy consumption and electricity consumption. Accordingly any energy tax will have a substantial impact on Ohio consumers both residential and industrial. A broad based energy tax is counterproductive to the President's goals, which I share, of improving economic growth and employment opportunities. In fact I believe it will result in slowed growth and cost American jobs by making our goods and services less competitive in the global market place.

Ohio and the Midwest in general, have been leaders in the Nation's economic resurgence. Manufacturing and exporting have been at the heart of the economic turnaround. The energy tax poses a substantial threat to some of the most successful and competitive elements of the Ohio economy and for many other regions dependent on heavy industry, manufacturing, and exports.

Just a cursory review of the estimated impacts in Ohio alone are cause for concern. The Btu tax would take \$1.3 billion from Ohio consumers and businesses, representing a 6.3-percent increase in the State's total energy costs. Three out of every ten manufacturing jobs in Ohio are in energy-intensive industries, 25 percent more than the national average. One out of every six Ohio manufacturing jobs is tied to exports, 10 percent more than the national average. The Btu tax would hit imported oil—but not energy-intensive imported products like cars, trucks, steel, et cetera, which would take jobs away from Ohio.

As a major industrial, energy-intensive State, Ohio would pay nearly 6 percent—three times its share—of the estimated \$22 billion raised yearly by the energy tax.

The proposed Btu tax is estimated to cost 24,200 jobs in Ohio alone and 400,000 to 600,000 nationally adding about one-half of 1 percent to the unemployment rate. Revenue estimates for this tax have not factored in added costs such as the attendant unemployment costs. An analysis by the Ohio Inter-Agency Task Force on the energy tax concluded that Ohio could lose six times as many

jobs under an energy tax as it would under equivalent levels of reduced Government spending.

Energy costs are a key component in the cost of manufacturing and, one advantage U.S. industries currently enjoy over virtually all of their foreign competition, is lower energy prices. Despite increases in U.S. commercial/industrial electricity rates during the last 2 years, U.S. rates remain among the least expensive compared to rates in industrialized countries worldwide according to a survey by National Utility Service. If we are to strengthen the economy it will come in large measure through improving our competitive position in the global market place.

In recognition of this other nations are now starting to reduce energy taxes. Sweden, for example, has lowered its energy tax on manufacturing companies by 85 percent.

Other nations also enjoy other competitive advantages. For example we burden U.S. industries with costs related to such matters as OSHA, workers' compensation, EPA regulations, product liability, and so on, that many of our foreign competitors do not have to contend with. Raising the cost of energy in the United States will deprive U.S. industry of one of its few advantages and place our global competitiveness in further jeopardy.

As a member who has dealt with energy issues for many years I know that most people simply take its availability and affordability for granted. The last time most Americans probably focused on energy was the 1973 Arab oil embargo when we all sat in gasoline lines. We focused then. Since then energy has been relatively cheap and plentiful. In fact, the price of gasoline today, when adjusted for inflation, is lower than it was in 1947.

A story former Speaker Jim Wright use to tell is particularly illustrative of our country's general perspective on energy. The Speaker told of a constituent who called him and said he was really worried about energy. Nuclear, he feared was just not safe. Oil and gas posed environmental problems in terms of developing our offshore resources. And coal was just too dirty. What do you suggest we use queried the Speaker? His constituents response: "Let's just use electricity."

This energy tax reminds me a little of that. What you don't see won't hurt you, but this tax will hurt.

In general, the energy tax harms the economy nationwide by reducing the overall level of business activity—especially new investments that are critical for growth. Taxing the sectors of the economy that need to grow will only stifle economic growth.

A study prepared by the National Association of Manufacturers indicates that within 4 years the real Gross Domestic Product would be lowered by between \$105 billion and \$140 billion and between 1.5 and 2.3 million jobs would be lost. Energy and capital are complementary and thus an energy tax will result in a lower level of capital investment. This will impede productivity gains and make U.S. production less competitive. All manufacturing industries in the United States will suffer.

The Btu tax will place most U.S. industries at a substantial competitive disadvantage in world markets. Access to reasonably priced energy resources is one of the United States'

competitive edges in the global market. Increasing energy costs would disadvantage companies that export their products to foreign markets. The export will become American jobs as industrial production moves overseas to avoid higher overall costs in the United States imposed through the energy tax.

An energy tax has been touted as encouraging conservation. I support that goal, but believe the way this particular tax is structured, limited conservation gains will be realized. Moreover, while total oil imports would decline, foreign oil would enjoy a cost advantage over U.S. oil, because the energy used in the process of exploring for oil and refining foreign petroleum products would not be taxed. That cost advantage for foreign oil would likely give foreign producers a larger share of the U.S. petroleum market than before the tax.

The message I have gotten from my constituents is not enough has been done on the spending side of the equation. As a member of the Appropriations Committee, I could argue that we have cut spending. Despite the relatively small share of the pie the appropriations process can effect, the record has been good. In the 18 years since the Budget Act was enacted in 1974, Congress has appropriated \$72 billion less than requested by the Presidents. In 1993, for example, appropriations bills totaled \$9.2 billion less than requested for discretionary spending. These cuts were achieved in all three categories, domestic, international, and military.

For over a decade Congress has focused on only a part of the equation—the appropriations process. All the angst over deficits has found its only outlet through criticizing annual appropriations bills, whether they be for defense or health care.

Very few people recognize that only one-half of all Federal spending goes through the annual appropriations process. The remainder is mandatory or entitlement spending and interest on the debt. And even though one-half of all spending is appropriated—only 35 percent of the total is truly discretionary. The other 15 percent that is appropriated consists of appropriated entitlements that we cannot easily adjust without changing the authorizing legislation.

The Ohio Governor's task force concluded that reduced Government spending is more balanced and does far less damage to the economy, while providing the same deficit reduction benefits. If Ohio is any barometer the American people want us to take a harder look at the spending side of the equation before we act to impose the largest new tax burden in the Nation's history.

Additional spending cuts, fewer regulations, and business incentives should all be explored before imposing this potentially devastating new tax. We should consider incentives for growth in productivity, industrial investment, and exports—the true sources of job growth in a world economy. We should also explore incentives for energy efficiency and environmental improvements that directly support the environmental goals of the administration's proposal without incurring their inherent economic risks.

Mr. ARCHER. Mr. Speaker, I thank the gentleman.

□ 2030

BUDGET RECONCILIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 60 minutes.

Mr. OBEY. Mr. Speaker, this week we are scheduled to vote on the budget reconciliation bill, which will lock into place President Clinton's deficit reduction package, which is one of the three integral pieces in the administration's economic plan to rebuild America.

Before taking too seriously Republican congressional criticism of President Clinton's pending deficit reduction plan, I would like to review some facts.

Chart 1 demonstrates what the history of deficits has been since the end of World War II, and that chart demonstrates that we have never experienced a deficit larger than \$74 billion until the day Ronald Reagan walked into office and suggested that we pass his deficit reduction package, which, in plain English, never got there. The deficit reduction package that was promised by President Reagan, in fact, wound up exploding deficits, so we were running deficits well above \$200 billion a year, as can be demonstrated on the right of this green line.

Chart 2 demonstrates the difference between the Reagan performance and Reagan promise on deficit reduction. The Reagan promise, in 1981, was that if we passed their budget the deficit would decline, as represented by these white bars, from \$55 billion in 1981 down to zero by 1984. The red bars demonstrate how performance varied from that promise, with deficits rising to over \$200 billion.

Recognizing that they were then in trouble, the Reagan administration again tried a second strategy to control the deficit. They proposed Gramm-Rudman I. That plan suggested, as these green bars demonstrate, that if we passed their plan the deficit would decline in nice, neat, \$36 billion increments from \$172 billion down to zero in 1990.

The red bars demonstrate that again, performance did not match promise, because the deficits continued to stay in the \$200 billion range. They never dropped below \$150 billion.

When Gramm-Rudman I did not work in attacking the deficit, the administration then proposed magic trick No. 3, which was Gramm-Rudman II, and again they said, as represented by these green bars, that if we just passed their economic program we would take the deficit from \$144 billion in 1987 down to zero by 1992. Again, performance did not match promise, and we wound up today inheriting a \$290 billion deficit.

Now President Clinton has proposed a plan to try to get those deficits under control over the next few years. This

chart demonstrates what is projected to happen to the Federal deficit under the economic policies that President Clinton inherited from the previous administration. The chart demonstrates that the deficits that are \$290 billion today are expected to rise to \$361 billion by 1998.

To try to turn this line downward, President Clinton has proposed a combination of spending cuts and revenue increases which, if adopted, are expected to cut \$150 billion off the projected deficit in that 4th year, as demonstrated by this green line. This green line demonstrates how the deficit is expected to drop under the President's plan in comparison to what will happen on the orange track if we continue existing policy.

This plan is being attacked by the President's critics because they are saying, "Oh, it is nice, but, you know, the problem is, it does not really cut enough in terms of the deficit," or "The mix between taxes and spending is not quite right."

I would suggest that the President's plan does not look all that bad in comparison to the missed-by-a-mile record of his critics in this Congress over the past 12 years.

His critics have centered on the Btu tax as a tax which they say they do not like. Who does like the Btu tax? We would all prefer to have no Btu tax and no taxes of any kind. However, after 12 years of feeding the American public nonsense, after 12 years of the easy-answer boys in this House, telling the entire country that somehow you can get there with no real pain in spending reductions and no real revenue increases, thank God, we finally have a President who recognizes that we have to level with the American people and admit honestly that we are not going to be able to successfully attack that deficit without both spending reductions and revenue increases.

Now his opponents are making a lot of political charges about the Btu tax. I want to demonstrate that under the President's proposal, even if we include all indirect as well as direct tax effects under that proposal, the President's package, including the Btu tax, will wind up reducing taxes on persons making less than \$20,000 a year.

The average monthly increase, if we include direct as well as indirect, if we include anything that is possible to be calculated under the wildest stretch of the imagination, the increase in taxation for someone in the \$30,000 to \$40,000 level is only about \$13 per month.

That is not pleasant, but it is a whole lot more responsible than simply saying, "Well, we are going to continue to tell people they can afford to avoid even that small sacrifice on a monthly basis, and instead shovel the load off on their kids, who just graduated from high school or college over the last couple of weeks."

I think this chart needs to be put in perspective. Consider it in the perspective of what has happened over the past decade and what is projected to happen under the President's plan by comparison. This chart shows who got what in the 1980's. It shows how your share of the national income changed from 1980, when Ronald Reagan walked into office, until today. It demonstrates that the bottom 20 percent of earners in this country lost, as a share of national income, 17 percent. It demonstrates that you did not get to be a real winner until you got to be in the top 5 percent of the population by income, and you did not get to really clean up unless you were in the top 1 percent, in which case your share of national income, the top 1 percent, rose by 60 percent over that time, the time that the President's critics were in control of what happened in this country.

This chart demonstrates—you remember when we had the budget summit in 1990, which was the fourth administration effort to fix the problem under President Bush? President Bush endorsed the first summit package that came out of that conference, and what this chart demonstrates is that the tax increases that George Bush endorsed at that time imposed a tax increase on people who made less than \$10,000 a year, more than four times as large as the tax-rate increase that was proposed for people who made more than \$200,000 a year.

□ 2040

And for people between \$20,000 and \$50,000, it proposed a tax increase which was 50 percent higher than the tax increase proposed for those making \$200,000 a year.

Compare that chart to this one. This chart demonstrates what the distribution in monthly tax burden will be under the President's package. If you are below \$10,000, you actually have a reduction in taxes. If you are below \$20,000, you actually have a reduction in taxes. If you are at \$40,000, the direct costs to a taxpayer is \$14 a month. Even if you are making \$200,000 a year, your tax bill will increase only \$64 a month. It is only when you get above \$200,000 a year in income that you have a heavy tax hit. That tax hit under the President's plan average \$1,900 a month, and I do not apologize for 1 dollar of that.

These are the people who were on the gravy train in the 1980's. They are the people who ought to be paying a much larger share of the revenue intake in this country so that other people with far more limited means do not have to pay more than their fair share.

So basically, I believe these two charts demonstrate the difference in the tax distribution which the Republican White House occupant was willing to impose on the American people in 1990 versus the dramatic change in

direction in terms of burden being proposed by President Clinton under his package. And keep in mind that these tax changes are accompanied by very major spending reductions, spending reductions which over the next 5 years total \$246 billion, including \$13 billion in pay reductions for Federal employees, \$24 billion from eliminating excess Federal workers, \$9.5 billion from reducing pensions and retirement costs for Federal retirees, caps on Medicare payments going to doctors, hospitals, and laboratory, billions of dollars in other savings that are equally as painful. Anyone who thinks that the spending cuts in the President's package are not going to be tough to impose does not understand the human condition and does not understand human nature.

So these are the basic facts. The fact is that America has suffered through 12 years of skyrocketing deficits while incomes soared for the wealthiest Americans and sagged for everybody else in the society. And now the very same characters in this Capitol Building who were responsible for voting for the Reagan budgets and the Gramm-Rudman I, Gramm-Rudman II, and the other magic fixes from the wizards who ran this country in the 1980's, those very same characters are now trying to bring down the only package available that has a chance to reduce the inequity that was produced in terms of income distribution and tax distribution in the 1980's. And it is the only package in town which has a prayer of reducing deficits long term.

There is an old adage which says fool me once, shame on you; fool me twice, shame on me. In my judgment, the President's critics have failed the country three times running with their deficit reduction promises and their ideological economic dogma. Do they really deserve another chance?

Is it not time to break with them and the failed past which they represent? I believe these charts demonstrate clearly that it is. That is why we must pass the President's reconciliation package this week. It is one of three key parts in bringing down the deficit, restoring economic growth, restoring family income growth, and correcting the miscarriage of justice which occurred in the 1980's when the wealthiest people in this society got the lion's share of the benefits, people who are now being asked for the first time in 12 long years to finally pay their fair share of the Nation's bills.

I say it is about time. I think we need to get on with the job and do it this week.

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

Mr. OBEY. I am happy to yield to the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, I want to thank the gentleman for a very fine statement and for the number of facts that he has brought out that I think

are very, very important that people need to consider as they look at this reconciliation bill that the President has brought forward. I think what the gentleman said about the necessity of deficit reduction is absolutely correct. In my view, the deficit is a dagger pointed at the economic heart of this country, and after 12 years of inaction on the deficit, it is now time that we have to take the responsibility for dealing with the deficit.

In my view we had institutional irresponsibility for 12 years that produced a \$4 trillion debt. We now have the chance, and we are at the crossroads where we have to take the responsibility and lead toward a conclusion which will bring this deficit under control.

A lot of people are saying that there are not enough spending cuts in the plan. I think, I may be wrong, but I think this is the largest spending cut proposal that we have ever seen. The gentleman set out the kind of cuts we are looking at. Agricultural entitlement cuts, \$3 billion; Federal workers, \$11 billion. As the gentleman said, there are 30 specific cuts in Medicare and Medicaid that reduce the deficit by \$56 billion, \$11 billion in Federal administrative costs, \$2.2 billion streamlining education programs, \$1 billion out of highway demonstration projects, and \$3 billion in veterans' program cuts.

Nobody likes to talk about cuts. One of my problems in discussing this bill is that everybody is for cuts in general, but nobody wants to talk about cuts in specific. That has been our problem for the last 12 years. People want to talk about a balanced budget amendment, or they want to talk about a cap on entitlements, or they want to talk about some other process gimmick, the Gramm-Rudman, or Gramm-Latta, or some other gizmo that is going to solve our problems.

The truth is there is no solution to the budget problem unless there are specific suggestions of cuts, and that is what President Clinton has had the courage to do. And what the committees of the Congress here have brought to the floor are specific recommendations for cuts.

Nobody likes taxes. I hate taxes. I wish we did not have to have one tax. But if we are going to have taxes as part of the solution, and I think we must, because the cuts are deep indeed, then the taxes that have been presented are the fairest taxes we have seen for over 12 years. As the gentleman's chart shows, the taxes are taxes on the wealthiest people in the country. This is not soak-the-rich. We are not after rich people. We do not want to do anything to harm rich people. We want more rich people in this country. But the wealthy, like everybody else, have to pay their fair share, and the chart the gentleman shows right next to him shows that under the 1990 bud-

et agreement that we negotiated with George Bush, the poorest people in the country were bearing the worst part of the burden and the richest people, the lowest part of the burden.

Under the Clinton plan on top it is the highest people that are taking the highest burden.

The chart to my right shows again 66 percent share of the taxes for people over \$200,000; 75 percent of the taxes come from people over \$100,000.

A lot of people are saying well, they do not like this tax, or that tax or the other tax. Fine. We have said tell us the alternative in spending cuts that will take care of that tax. People want to get very general then. They do not want to be specific. We have got to be specific about the spending cuts.

We have an alternative in the other body where Members, Republicans and Democrats, have come up with an alternative. The problem I see with the alternative is that it is more of the same from the past. It is another budget from the past.

It is a budget that says, "Let us not tax the people who are the wealthiest in the country so much; let us give them a capital-gains break." It says, "Let us lower the taxation for Medicare on those folks who make over \$100,000 a year. Let us do other things that will help people at the very top, and let us increase taxes on people at the bottom by lowering the earned-income credit which is the most important thing for progressivity in the Clinton budget," that is in this reconciliation bill.

And, yes, "Let us cut Social Security COLA, let us cut Medicare, and let us cut Medicaid again." I am not for that, and I think if you put that alternative on the floor, you would not get many votes for it on either side of the aisle. If you put it in the other body, I suspect it might be the same.

We have problems in this country today with being specific about what we want to do. President Clinton has been specific. He has put a concrete proposal in front of us and our committees have brought that proposal forward. It is a good proposal.

We are at crossroads in the country. Either we deal with this problem that is eating us alive, or we do not.

Now, people say, "Gee, I am against that Btu tax. It is going to cost me in the third year," and remember it is phased in, but in the third year for an average family of four, it is going to cost us \$15 or \$17 a month.

What they are not looking at is that if we can get this proposal through, interest rates will be held down over the next 3 years to an extent where they will get much more benefit than the costs of the Btu tax. Jobs will be created, the recovery will go forward, we will not fall back into another recession, we will begin to get economic growth in this society.

We do not do a deficit-reduction plan as an academic exercise. It is not to make somebody in a university feel good who studies economics. It is to get concrete results in the economy in the country. We are trying to create jobs. We are trying to hold inflation down. We are trying to hold interest rates down, and we are trying to stay out of another recession that we have been in now for 3 years.

I was at home the other day with the unemployment people, and a fellow who has been in the unemployment office for 30 years said he has never seen recovery like this. He said, "Congressman, there are no jobs." He said "I can get minimum-wage jobs, people who want to work at McDonald's. We have got plenty of those. What we do not have are good jobs."

I do not know how we get good jobs created in this society unless we do something real about the deficit, unless we stand up finally and say, "Here is a program that will get the deficit down over the next 5 years," not smoke and mirrors, not another gimmick, not another gizmo, not another promise, and not another illusion; something that works and is real. That is what we are talking about with this plan, and I believe it is fair. I believe it is balanced, and I think we have to show the leadership and the responsibility to go forward and pass this plan, get it through the Senate, put it on the President's desk as quickly as possible, and move this country and this economy in a positive direction.

Mr. OBEY. I thank the gentleman very much for his comments.

Let me simply say that I think he has summed up the situation exactly on point.

My message to anyone concerned, for instance, about the Btu tax is I would invite farmers in my State, for instance, to recall that just 90 days ago they were terrified, and so were we, of being hit with a large gasoline tax such as that proposed by Mr. Perot, 10 cents a gallon, and we have had proposals for 10-cents-a-gallon increase each year for 5 years. That would extract a huge amount of money from the pockets of the farmers that all of us represent in this country.

This Btu tax, by comparison, has a much smaller hit.

I would also point out that I would say to those who are concerned about the Btu tax and would like to escape that 3-year, \$14 or \$17 a month that it will cost them in the third year when it is fully effective, I would simply say, "Take a look at your kids as they are leaving high school and leaving college and ask yourself what kind of job opportunity you have available for them."

My youngest son just graduated from the University of Wisconsin 2 weeks ago. The job market that he is facing today is far tougher than the job mar-

ket that faced my oldest son 10 years ago, and it is much, much tougher than the job market that faced the gentleman or me when we graduated from college quite a few more years ago than I would care to talk about, but it just seems to me that this is a question of whether this generation of adults has the responsibility to make a small contribution in order to make the job market, the retirement market, the lifestyle market for their kids a little bit better than it otherwise is going to be, and in some cases a whole lot better.

I would also suggest that for those who think that a plan such as the Boren plan in the other body, which has been offered, if they think that that is the answer by eliminating \$40 billion in taxes on the very wealthy and by increasing the hit on Social Security recipients and the poor by \$40 billion as that plan does, if they think that is the answer, they must be talking to different human beings than I am talking to when I go back to my district each week. To me, when I go back to my district, my constituents are telling me one thing: "Give the President a chance, he is the only President we have got, and he is going to be the only one we have for 4 years. Do not destroy him out of the box. We elected him, back him," and I would say that I simply agree with that.

What is our alternative? Are we going to turn it over again to the same naysayers who really drove policy in this country for 12 years and drove this country into the ditch? I hope to God the answer is not yes to that question.

The President's option is the only real one before us. We have got an obligation to move it forward.

Mr. Speaker, I yield to the gentleman from Florida [Mrs. THURMAN].

Mrs. THURMAN. I say to the gentleman from Wisconsin [Mr. OBEY] that I want to kind of go back to some of the things he has been talking about, particularly with the other plans, because as he well knows during this debate, there has been the issue of what is going to happen in the Senate.

One of the things that I keep hearing about is Senator BOREN's and Senator DANFORTH's replacement. I come from a district that is probably two-thirds seniors.

Can the gentleman give us a little more detail of what is going to happen under that with Social Security? I mean, I have heard things that people around the \$7,500 mark are going to be taxed more under that plan, where this plan does not do any of those kinds of things. I mean, there are a lot of issues in here that I think we need to be talking about so that the American public understands that the alternatives are deeper cuts for people who can least afford it.

Mr. OBEY. Well, I do not know how much detail the Senator has gone into, and I do not know how much of his pro-

gram would survive actual action by specific committees.

But all I would say is that my understanding of the Boren plan, for instance, is that it takes a much larger hit on Social Security recipients. When people talk about entitlements, that is a nice, neutral political word, but when you get behind that moniker, what it means is you are talking about Medicare, you are talking about Medicaid, you are talking about food stamps, you are talking about unemployment compensation, you are talking about Social Security.

I am not about to support a package which has an extra \$40 billion or \$50 billion hit on those folks.

Mrs. THURMAN. And including what already is being hit, I understand, in the package we are looking at?

Mr. OBEY. I was amused by the fact that we heard some of our friends on the Republican side of the aisle tonight bemoaning the modest actions we have in President Clinton's package with respect to senior citizens on Social Security, and yet we are being asked in the next breath to support something like the Boren plan which has a much larger hit on those same folks.

I know that people often try to have it both ways in this place, but that seems to me to be stretching it a little much.

I yield to the distinguished chairman of the Committee on the Budget, the gentleman from Minnesota [Mr. SABO].

Mr. SABO. I just simply wanted to thank the gentleman for taking this special order and the majority leader for his participation.

I think the message is clear. This is a huge deficit-reduction plan.

□ 2100

I think modestly stated it is about \$500 billion. Frankly, some of the calculations I do would make it significantly larger. I frankly think the administration has understated their deficit reduction requirements over the next 5 years rather than overstating them. I also have to say that they use very modest, conservative economic assumptions in their budgeting so that we can have some expectations of the projections they make for the future are real. Clearly, it is having significant impact on interest rates in this country. Interest rates are coming down.

That is good for the American public, but it is also good for the Federal budget, because one of our biggest expenditures is simply interest costs, and those are going to be less than what we projected rather than more.

I am curious that you do know while we have significant spending reductions—I wish the gentleman would review again his chart on who is asked to pay those new revenues. I know the gentleman from Wisconsin also over the years has studied what happened to

income during the 1980's. Who was it, during the 1980's, who had the greatest income growth in this country?

Mr. OBEY. The fact is that the richest 1 percent of Americans saw their income more than double from less than \$300,000 on average before Ronald Reagan walked into the White House, to over \$600,000 by the time George Bush left the White House.

So they saw their income more than double, while virtually everyone else outside of the top 10 or 15 percent lost real economic ground.

Mr. SABO. So that thick blue chart that the gentleman has there with the big blue column, that really applies to the people who had the largest real income growth during the 1980's?

Mr. OBEY. You bet. The people who went to the party in the 1980's are now finally being sent the tab, belatedly, but thank God somebody is sending it to them.

Mr. SABO. Would that marginal tax rate be higher than it was before 1981?

Mr. OBEY. Absolutely not. The fact is that the marginal tax rate used to be 90 percent; then it dropped to 70 percent; then to 50 percent. It has now dropped down to less than half of that level.

So, even with the modest increases that we are getting under this package, they are still paying substantially less than they were paying before Ronald Reagan walked into the White House.

Mr. SABO. So, the marginal tax rate, the top rate they would pay, would still be much lower than what it was in 1981?

Mr. OBEY. Absolutely. In my view, we ought to raise it even further, but we would run into great resistance from our friends on this side of the aisle if we tried to do that.

You remember David Stockman, in his famous book in 1981, explained the truth when he said—his words were—“Supply-side was always trickle-down.” It was a Trojan horse. This magic supply-side formula was a Trojan horse through which they drove trickle-down economics to the wall, and trickle-down economics produced a bonanza for these people at the top of the income scale, and a few drops for everyone else.

Mr. SABO. I thank the gentleman for the answers to those questions.

Mr. HUNTER. Would the gentleman yield to this side of the aisle for just a minute? I will not ask a lot of questions.

Mr. OBEY. Sure; I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman, and I respect the gentleman and respect the time that he has taken and the illustrations he is making. I would just ask one question. That is: As I understand—and I looked at the figures the other day—although we cut marginal tax rates and, as the gentleman said a number of individuals, many of

whom own small businesses, are employers, increased their income. As I understand, total net revenues to the Government went up between 1981 and 1987 by about 70 percent. Would the gentleman comment on that?

Mr. OBEY. I am really glad the gentleman asked that question, because what we always hear is, “Oh, gee, whiz, what are we talking about? After all, we shouldn't soak these poor fellows up at the top of the ladder because, my God, when you look at what happened to the total taxes in the 1980's, their taxes went up.”

Well, this chart demonstrates that is absolutely true; the total tax represented by this green piece actually did go up slightly from \$108,000 to \$163,000 for the top 1 percent of the people in this country. But that is because their income went up from around \$300,000 to almost \$600,000 over time, as represented by this red block.

So, what that demonstrates is, yes, their taxes went up a tiny bit, but the fact is that their income went up by a much larger amount.

Mr. Speaker, I yield to the gentleman from Georgia.

Ms. MCKINNEY. I thank the gentleman from Wisconsin for yielding to me.

Mr. Speaker, I want to take an opportunity this evening to discuss, in all candor, the grave stakes that we have before us. I want the people whom I represent, as well as the people of this country, to understand, as I understand, the imperatives which face us today.

Three Sundays ago we celebrated Mother's Day. And this brings to my mind some ideas about the faith of mothers. You know, from before we are even born, mothers have faith in us. And in a mother's eyes, there is very little wrong that we can do. You see, mothers have learned to keep their eyes on the prize and to understand that life has its bumps along the way, but that it is always possible to take lemons and turn them into lemonade, to take life's bumps and turn them into stepping stones. And our mothers always have the faith that we will be so wise.

During this most important week of decision, let us also resolve that we will not betray our mother's faith. And let me commend the President for his leadership, the Budget Committee, and the Ways and Means Committee, the leadership of the House of Representatives, and the whole Democratic team, really, for crafting legislation that represents the kind of change that the American people voted for in November.

We are demonstrating that the House is ready to take up leadership and that the Democratic Party is ready to demonstrate the kind of leadership that will make this world all the better because we dared to struggle, among our-

selves and within ourselves in order to reach ever new heights.

Today, we debate nothing short of hard work and dedication, the kind of dedication and commitment to purpose that usually turns dreams into reality.

In the beginning, I am sure, becoming President was only a dream for our President. Probably no one believed in it but him—at first.

But he was able to convince his wife, his friends, and then all of us. But his dream only started because there was something deep down inside of him.

In my own case, I know that becoming a Member of Congress was a dream that only a few people close to me felt was possible. It seems that the world is full of naysayers—people love to tell you what you cannot do. But through hard work and dedication, and demonstrated commitment to purpose, we too were able to turn that something deep down inside to history-making in Georgia.

Each of us who must cast a vote this week began with the most important commitment—and that was to excellence. For when we begin with excellence, nothing short of the best will be good enough.

Well, all of us working together have come up with a legislative package for change for this country. The reconciliation bill before us contains legislation which will correct the decline that this country has experienced over the past 12 years.

Now is the time for all of us to be proud, and committed, and strong.

Strong, because life is not always easy. And when we encounter those unexpected bumps along the way, we must remain focused and committed to the goal, and turn those bumps into stepping stones.

As the Representative for Georgia's 11th Congressional District, which is Georgia's second poorest district, I am committed to providing a better Georgia and America for every child, every family, every person in my district.

For too long, the needs of ordinary Americans have been sacrificed for the needs of the wealthy. Yet, in addition to that, our President has assumed office at a time of unprecedented world instability—during a time of peace. Our President gained control of the White House after the previous President unilaterally announced a “new world order” but failed to define what it was or even what he meant.

Let us pray for our President so that the Lord's hand will guide him as he tries to make our Government more accountable to us and at the same time turn this massive ship of state in a new direction. He needs our success, and we need his success.

I am concerned about today, but also about tomorrow. But, as is usually the case, as we fight for a better tomorrow, we ought to remember the past that got us to this point. I would like for

you to recall the memory of another time in the American experience.

Thirty years ago we were in the midst of a season of discontent:

- Black people decided to sit down at lunch counters all over this country in order to stand up for freedom and justice and dignity.

- Black people decided to register to vote to change the policymakers, since they couldn't change the policies of oppression that blanketed the South and this Nation.

- Young freedom riders, both black and white, defied the racial order of apartheid and bigotry in the South and some saw their lives ended as they rode on those freedom rides of the American dream.

- Three young men—Goodwin, Cheney, and Schwerner—should never be forgotten as they rode the freedom ride to their death in Philadelphia, MS.

Goodwin, Cheney, and Schwerner should never be forgotten because they represented all that is good in America.

They were young and hopeful, willing to overlook the racism of the times, in order to do what was right for their country and for their fellow man. Well, we have just endured another long season of discontent: 12 long years—where Government served the interests of a few of us at the expense of the rest of us.

We have got to have a change.

We must understand, too, what the last 12 years have done to us as a Nation and as a people.

TV cameras were poised in Los Angeles to view the spectacle. You would have thought that the circus had come to town. But the people of Los Angeles and the people of this country just wanted justice to come to town. Thank goodness that it did—on that day.

However, not until we completely obliterate the politics of division that this country endured for the last 12 years. And remember that words and actions and deeds have ramifications. And understand the complete sense of alienation that our young people feel about this system that we call their Government, and our society will be able to properly deal with the many frustrations of being young, and black, or Latino, in America.

With one Presidential campaign begun in Philadelphia, MS, along with a message of State's rights and another Presidential campaign won on the back of a Willie Horton ad, the Republican Party has done nothing to honor the memory of the proud and strong three young men who died on that dark, dark Mississippi night.

The legacy of Republican leadership has been Iran-Contra, S&L scandal, HUD scandal, BNL scandal, war against Third World people, environmental injustice gone mad, and, most seriously, a complete neglect of this country's children. In my home State

of Georgia, we rank 47th overall in the well-being of our children.

The United States ranks 20th in the world in infant mortality rates, equal to Greece, Israel, and New Zealand—only just above Cuba by one point. And if we look at black babies, black babies die at almost twice the national rate, placing the U.S. black infant mortality rate at 33d in the world, tied with Costa Rica and just above Chile by two points.

The United States ranks 31st in the world in low birthweight babies, equal to Turkey and Paraguay and Israel, just above Jamaica and Panama. For black babies, the rank is 75th in the world, just behind Cote D'Ivoire, little better than Niger.

And while 71.3 percent of all white children are covered by employment-related insurance, that is the case for only 38 percent of black children and is only the case for 39 percent of Latino children.

Furthermore, during the 1980's, the following health trends were recognized: Access to early prenatal care—worsened; late or no prenatal care—worsened; low birthweight babies—worsened; measles increased 533 percent over 1983; mumps increased 35 percent over 1985; pertussis increased 106 percent over 1981; and rubella increased 509 percent over 1988.

Both our children and our future are at stake if we do nothing.

The stewardship of our Government over the past 12 years has seen a steady deterioration in the quality of life for our children. Yet, the enrichment of the top 1 percent of family income earners was unprecedented. The expenditures for the military-industrial complex were astronomical; and we had two Presidents who were telling us that everything was all right.

Some of us knew, however, that the last thing this country was, was all right. And we didn't hesitate to say so. In the meantime, though, middle-class incomes deteriorated; the budget deficit grew to unprecedented proportions; health care costs became unbearable to most of us; and our President said that the United States was the strongest country in the world and everything was all right.

We saw homelessness grow in every city in America, drug abuse increases unprecedented, an ozone hole in the atmosphere that some folks told us did not exist; while our President advocated Brilliant Pebbles—a Star Wars antimissile array orbiting in space.

Life in America, down on the streets, where ordinary people are, has deteriorated. Public schools have become more public than schools, with strangers walking on campuses and shooting teachers and students; schools are becoming merely an extension of the battleground and disarray that exists on every American urban street and in many American homes, urban, suburban, and rural.

And President Bush started a war in Iraq and spent thousands of lives and we still do not know what for.

We just recently lost the \$16.2 billion stimulus package because of Republican gridlock in the Senate. And on my jog the other day with the President, I asked him, Mr. President, why did you give up? Fight on for the stimulus package.

And he responded to me,

You know, Cynthia, I never expected that the people who would benefit from the jobs—the young people who would get summer jobs, the parents who would get immunizations for their babies, the students who would get Pell grants for college, the unemployed who would get jobs to repair the infrastructure, and the elected officials in cities and counties all over this country who would receive much-needed dollars for their communities—I never imagined that they wouldn't stand up and scream in outrage that this money and these opportunities were being taken away from them.

And what could I say to the President, because he was absolutely right.

The rallying cry of the Republicans was cut spending first. But they can find \$45 billion to clean up the S&L scandal; they can find billions of dollars for Russia, but they could not find \$16.2 billion for you, your mothers and fathers, your brothers and sisters, children, and the rest of us who have been hurting for the past 12 years.

The fight is not over, though, as we continue to try to defy gridlock and do what is right for our constituents and our country. There was no reason for the President and the American people to lose that \$16.2 billion. We lost by three votes. But it is done now. And as a result of an emboldened Republican minority promoting, at best, business-as-usual politics, and at worst, serve-the-rich policies, the Democratic agenda will have to be unfortunately compromised if we are to avoid gridlock.

We do have to pay the hand that we are dealt.

But every American has an opportunity to help us play our hand as best we can. I have heard from my constituents who say that they are willing to sacrifice a little more if it will help everyone—if all Americans will be made a little better off.

I would ask that each of you listening tonight make a commitment that you will help to make our country stronger. The need today is much more pressing than a lost stimulus package. The entire agenda for change is threatened if we don't act—today.

And so, I would say to my colleagues in the House and the Senate, and to our friends across this country: Let the message be loud and clear, that change is not a free good. We all want it, but only a few are willing to work for it.

I am asking that we now make a commitment to work for it.

Join with me and let us renew the faith of our mothers in our ability to be winners;

Join with me and let us renew the faith of young Goodwin, Cheney, and Schwerner in the American dream.

And let us renew a pledge to ourselves that we will not allow others to thwart that which is good and right and just for us. Let us renew our willingness to fight for what is right.

Otherwise, a new season of discontent is likely to unfold. One, I believe, that this country can avoid with our active prodding. Many who listen tonight are the lucky ones. Let us join together to forge opportunities for all who are willing to work hard and dream about what might yet be.

The President's budget represents our future. Let us take the charge and protect our country well. The people are counting on us.

□ 2110

Mr. OBEY. Mr. Speaker, I thank the gentlewoman for her comments. I appreciate them very much.

Mr. Speaker, I yield to the gentleman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, I want to just raise some questions and see if I can have some understanding. Perhaps that would be helpful for others who may be wondering about if this bill indeed does represent cuts, real cuts.

I know I have a lot of people telling me that we ought to really cut first and spend later, and what they mean by that is tax later.

Could the gentleman just share with me if they are real cuts, particularly in agriculture.

Mr. OBEY. Well, let me simply respond by telling the gentlewoman what I have experienced in my office in the last 2 weeks.

□ 2120

I asked my staff last week to simply keep track of the number of groups in my district who came in to talk to me about opposing the spending cuts in the Clinton plan. I had 31 different groups, not lobbyists, but folks from home who came to me objecting to one kind of cut in the President's budget or another. We had some doctors objecting to the Medicare caps—doctors, hospitals. We had farmers concerned about the additional squeezing going to take place. There were all ranges of people, all well-meaning.

And so, Mr. Speaker, I would say to those who are claiming that there are no spending cuts in this package that I wish they had been talking to those 31 groups from my district, all of whom were objecting strenuously to them and asking that I resist them. I think they have a quite different view.

Mrs. CLAYTON. Will the gentleman respond?

Mr. KOPETSKI. Mr. Speaker, if the gentleman would yield, I was going to present this a little later this evening,

but I do have a list of very specific cuts that are in the reconciliation bill if the gentlewoman from North Carolina [Mrs. CLAYTON] would like me to articulate those.

Mrs. CLAYTON. Well, if I could get the gentleman to do that a moment later, I just wanted to emphasize that I know I received calls, as well, in agriculture. I live in a community where the concern was there if indeed others were going to suffer the same way they were suffering. So, it is called shared pain and obviously I was concerned, not only for my farmers, but also people who live in rural areas, and I know the whole Btu tax, that the farming community expressed concerns, and I certainly shared those concerns, and there was some accommodation made to—I thought in the Btu—for at least the fuel in farming; is that correct?

Mr. OBEY. Yes; the farm use has been exempted from the higher of the two rates which apply under the Btu tax. But there are other very large spending cuts in this package.

For instance, tomorrow morning I am supposed to chair a markup that marks up the foreign aid bill for this year. By the time we get done marking up that bill, there are going to be programs in the foreign aid package which are cut by 50 percent below last year. Since I have been chairman, Mr. Speaker, foreign aid has already declined by \$5 billion, and we are going to have to take it down another \$1 billion tomorrow just to meet the squeeze required under President Clinton's package.

And my phone has been ringing off the hook all day long from every single interest group in this country who has a stake in seeing that bill increased rather than decreased, so I wish they could have simply been—those who say there are no squeezes in this bill—I wish they could have been on the receiving end of those phone calls today that I received.

Mrs. CLAYTON. My final question and comment would be around the fairness of our effort to accommodate the response to the Btu taxes being negative to low income persons or families, and particularly as it relates to being an aggressive tax to those persons who make less than \$35,000. My understanding, or one of the responses to that, was the earned income.

Mr. OBEY. Absolutely.

Mrs. CLAYTON. And that meant that it was sensitive to families who made less than \$35,000.

Mr. OBEY. Absolutely. You have the earned income tax credit, which is in the President's package, and, as a result of that, as a result of that, the Btu tax will actually—even with the Btu tax this package will result in a—about a \$10 a month tax cut for persons making below \$10,000, for instance, and it will not amount to a heavy hit until you get up to those who make over a hundred thousand dollars.

So, it seems to me we have one of two choices on that tax. We can either do as has been done the last 12 years, telling everybody, "Oh, don't worry. If there's any pain at all, we'll get rid of it for you." Or we can honestly belly up to the bar and say, "Folks, it is going to be a small impact on you, but it is well worth it to create a better world for your kids," and that is what we are trying to do.

This chart demonstrates that for low income groups, with the Btu tax included, there will still be a decline in the average monthly tax rate of anybody making less than \$35,000 a year.

Mr. GEPHARDT. Mr. Speaker, if the gentleman would yield on this question of the earned income credit, it has been my understanding through the years that the reason we wanted to increase the earned income credit was to make it possible to induce people to stay off welfare and to continue to work.

It is also my understanding that the increase that is in this reconciliation bill is the largest increase we have ever had in the earned income credit so that it would have the opportunity, the program, of pulling more and more people out of welfare, getting them to take a job and to be willing to keep the job because their taxes would be reduced, and they would be induced to stay off of welfare and in productive income.

Mr. OBEY. Mr. Speaker, if the gentleman would recall when the President spoke to us in that magnificent State of the Union Message that he delivered in this very Chamber, one of the statements he made that got the largest round of applause was when he said that under his proposal no one who worked full time would go home at night still in poverty. It was his belief that through devices such as the earned income tax credit we would be able to say to each and every American who works full time for a living that, if they are willing to work that hard, they will not be home each night to face their kids in the state of poverty.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman. I just wanted to make that point.

Mrs. CLAYTON. Mr. Speaker, that is a good point, and also another point that I think the gentleman would share is that this has bipartisan support, the earned income, and there are those who would want to say this is all of a sudden gimmickry to just help the poor from this administration.

Mr. OBEY. I would say one of the champions of the earned income tax credit is the gentleman from Wisconsin [Mr. PETRI]. He is from my own State, a Republican who championed that cause for years.

Mrs. CLAYTON. And it does reinforce the value of work, it reinforces the value of families, it reinforces the value of supporting dependent children, and it gives opportunity, even with this tax, to offset that burden. So, I

think the fairness of that tax has to be also emphasized.

No one likes taxes, but the case is being made by others who would want to distort what the complications are that this would have a disproportionately harmful effect on low income families or working families when in fact it is only a large income for those above \$35,000, and there are provisions within the law to offset the burden on poor working families with children.

Mr. GEPHARDT. Mr. Speaker, I thank the gentlewoman from North Carolina [Mrs. CLAYTON].

Mr. OBEY. Mr. Speaker, I thank them both. I would simply like to close by making this observation:

This chart demonstrates that our debt, the national debt of this country, declined steadily from 1945 as a percentage of our national annual income. Down to about 1973 but national debt was almost 120 percent of our annual national income. At the end of World War II it declined to about 24 percent of our national annual income by 1973, stalled out until 1980, and since the Reagan budgets were first adopted has now gone up again, just about doubling as a share of our total national income over that time.

The President's package is an effort to try and finally reverse that. This chart demonstrates the difference between the trend lines on the Federal deficit which will continue to go up if we do not adopt the Clinton plan versus the reduction in the deficit that will occur if we do adopt the Clinton plan. For those of my colleagues who say that is not good enough, I would simply say, "You had your try at it. This chart represents what the result was. You told us in 1981 that, if we passed the Reagan package, you would take us from a deficit of \$55 billion at that time down to zero. Instead you gave us deficits of \$200 billion."

□ 2130

You said you would do it better when you produced Gramm-Rudman, and Gramm-Rudman II, and each time promise did not match performance and in fact we had larger deficits than when the process began.

It is time for those who gave us three magic fixes in a row to now step aside and let the President have a chance to adopt his plan. It is the only one in town that has a real change to reduce the deficit, to restore economic growth, to restore family income growth in this country. After 12 years of trying their failed prescriptions, it seems to be we are entitled to give the President a chance to try this.

ADDITIONAL TAXES WILL DAMAGE THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I have listened to the Democrat majority talking about the plan that is put forth by President Clinton and has been worked over by the Democrat leadership and now will be before the full House shortly and be before all of our colleagues to analyze and vote on. Let me just state a couple of things that I think the Democrat majority is missing.

The first thing that they are missing is that taxes change behavior. Each time we are presented with new taxes, they are presented as an automatic reducer of deficits. If you have somebody who is working in the 30 percent tax bracket, you boost him up to 33 percent, and that is automatically going to raise that proportionate amount of income relative to the 3 or 4 percent tax increase. And if you have a Btu tax that is applied to all of American enterprise across the spectrum of industry, that is going to raise a certain amount of tax money absolutely with no reductions or no mitigation of that tax, that effective tax, due to loss of enterprise and due to loss of industries.

In fact, taxes do affect behavior. They affect the behavior of the American people. Very simply, if you have a small businessman and you increase the taxes on him, whether it is through a Btu tax, an energy tax, an 8-cent-per-gallon-at-the-pump tax if he is a trucker, or any of a number of other ways through the manufacturing process with this energy tax that the President has proposed, if you take dollars out of his pocket and give them to the Government, then those are dollars that that small businessman or large businessman is not going to use to buy new equipment, expand his facility, and hire people.

The second basic truth that I think has been missed by the Democrat majority is this: To have jobs, to have employees, you have to have employers. The gentleman who has presented the charts here and the Democrat leadership that has talked about what they consider to be the benign or benevolent effect of these increased taxes have missed the fact that you need to have people who are making enough money to want to take a risk, to go out and build factories, to invest in new equipment, and to hire people. Blue collar workers cannot hire each other.

Yet each time I hear the majority talk about tax increases, they talk about wealthier people. I thought this point was an important one. It was made by my friend, the gentleman from Wisconsin [Mr. OBEY]. He pointed out that yes, people at the wealthier end of the spectrum did pay more money during the Reagan years in total taxes paid, but he said they made a lot more money.

I think the problem with the Democrat leadership's thinking is they look at people, many of these people in

these \$200,000 tax brackets who are small businessmen, who employ people, who have payrolls, they look at those people as the adversaries, as people who damage the economy if they make a profit, as people who if they did not make a profit somehow the money they generate would go to other people. And that is just not the case.

If a person goes out and takes out a loan and builds a tract of homes, then that money is used to employ people, it is used for mortgage payments by the workers, it is used to buy cars and to send kids to college. It is turned over in the American system. It creates a ripple effect. And you lose that effect, you lose that growth effect, if you damage the economy by putting onerous taxes on employers. So employees do require employers.

PRESIDENT'S BUDGET AND THE AGRICULTURE COMMUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. ROBERTS] is recognized for 60 minutes.

GENERAL LEAVE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on this special order.

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

There was no objection.

Mr. ROBERTS. Mr. Speaker, the Republican members of the Committee on Agriculture have taken this special order to discuss the very crucial vote we have before us Thursday with regard to President Clinton's budget.

Mr. Speaker, in making my comments on my special order and inviting the comments of my colleagues who serve on the Committee on Agriculture, I do so with all due respect to the comment that the majority leader and the distinguished gentleman from Wisconsin [Mr. OBEY], and the chairman of the Committee on the Budget [Mr. SABO]. I would suggest, however, that rather than go into a lengthy dissertation on what has happened in the eighties and a very unique version of the class warfare argument that has been raised in this body time and time again, that this debate is not with 176 Republicans that are not going to vote for higher taxes. Your debate is with the 60 or so Democrats who do not want to vote for this, and for very good reason.

We have, as I recall, about 256 or 257 Democrats and 176 Republicans, and the real situation here is that we have an honest difference of opinion. We can get into that in terms of that debate. But the debate is over all of the Democrats who want to vote for this. Why? It is because it is a vote that will di-

rectly affect the pocketbooks and the daily lives of every American, but especially the economic well-being of farm families whose job it is to feed this country and a very troubled and very hungry world.

Simply put, this tax heavy budget represents a blueprint for disaster in farm country. Those are harsh words, I intend them to be, and I certainly do not intend my concern and criticism to be in a partisan manner. But every Member of this body has an obligation to study and fully understand the practical effect of what will happen as a result of our actions when we consider legislation, and we have an obligation of informing as best we can the people we represent of the consequences of what is passed by this body.

Every member on the Republican side of the Committee on Agriculture wants to work with the President and my colleagues across the aisle in regard to reducing the deficit and certainly reviving our country. We all share that goal. But as we pencil out the Clinton plan and determine the effect on farmers and ranchers in rural America, and, more important, as farmers and ranchers really pencil this out on the details, the conclusion is obvious: The White House budget posse is riding in the wrong direction.

Let us look at the facts. Farmers and ranchers are true patriots. They know the deficit is the No. 1 problem facing our Nation and they have done their part.

I am quoting the chairman of the Committee on Agriculture, the distinguished gentleman from Texas [Mr. DE LA GARZA], when I say of the top 12 entitlement programs, only farm program spending has declined since 1965.

□ 2140

In fact, farm programs spending has been cut an average of 9 percent in the last 4 years. This budget, this farm program budget, cuts farm spending by 11 percent. It goes without saying, if every other program had shared the same sacrifice, our deficit problems would not be so severe.

Nevertheless, the Clinton budget cuts almost \$3 billion in direct farm income over the next 5 years. Let me emphasize again, this \$3 billion cut is an addition to \$57 billion in cuts agriculture has made over the past 10 years.

Now, it would be one thing if by taking the \$3 billion in deficiency payments out of farmers' pockets represented a fair share sacrifice. We have heard a lot about fair share sacrifice on the other side of the aisle.

Certainly, in reducing the deficit, as true deficit patriots our farmers and ranchers would say, "All right, find the \$3 billion in savings and let us get the job done."

But, Mr. Speaker, that is not the case. The Clinton budget plan spends an additional \$7.3 billion on food

stamps above and beyond the cost of living adjustment. Nobody is trying to cut food stamps, and why are we doing that? Because the President's Btu tax falls heaviest, despite the charts and the arguments, falls heaviest on the poorest of Americans.

So the farmers' \$3 billion sacrifice is not going to the deficit. It is going to fund additional food stamps due to the Btu tax that the farmer does not want to pay in the first place.

The result is that agriculture's part of the Clinton budget adds \$4.4 billion to the deficit. And what about the Btu tax? The individual impact from the tax will vary, according to region and size of the farmer's operation and his crop. But farmers can expect an additional \$1,000 to \$4,000 a year in costs each year because of the Btu tax.

To offset this revenue loss from granting this minor relief to farmers, the much acclaimed exemption of ethanol from the Btu tax was eliminated. Now, the absurd nature of the Btu tax is illustrated by the convoluted budget structure of this proposal.

Here is what all of this really boils down to, folks. The Btu tax is expected to bring in \$70.5 billion over 5 years. That is the linchpin of the Clinton plan. However, in order to offset the burden of this energy tax on the poor, spending was increased in several Federal programs: \$7.3 billion in food stamps; \$28.3 billion for an earned income tax credit, as referred to by the majority leader; \$4 billion for low income energy assistance.

So here we have the Government, which will have to spend nearly \$40 billion to offset the harm done by the \$70 billion in new taxes, while imposing an unfair and unequal burden on energy-intensive industries like agriculture.

I will say again that farmers are willing to contribute to deficit reduction. They repeatedly have done so over the past decade. But it is fundamentally unfair to ask them to make another major sacrifice for a plan that will raise \$3.23 in taxes for every dollar cut in spending, with a net result, after 5 years, of economic pain, very little progress on the deficit.

Nor is it fair that their programs be cut to the bone while the administration and Congress insist on major spending increases for favorite programs.

Mr. Speaker, I yield to a valuable member of the House Committee on Agriculture, the gentleman from Iowa [Mr. NUSSLE].

Mr. NUSSLE. Mr. Speaker, I thank my distinguished colleague from Kansas, our fearless leader on the Committee on Agriculture.

Mr. Speaker, tonight's debate, for me, is really the whole reason why I ran for Congress. The whole reason I got into this crazy business in the first place is because I recognized what the deficit and the national debt was doing

to our kids, and, maybe selfishly, doing to my kids.

In fact, when my son Mark was born, there was a bill in his crib, because of the deficit and debt in this country, of \$15,000.

You might think, well, my son is what, paying more than his fair share. No; every person in this country has that kind of bill sitting at their table right now to pay as a result of our problems.

So what do we do? What do we do?

We hear about cutting. We hear about fair share. Well, fair share has definitely been provided by farmers. In fact, over the past decade, as my colleague for Kansas indicated, farmers have contributed \$57 billion to deficit reduction, \$57 billion.

Are we complaining? No. Maybe a little bit, only because we feel that maybe some other sectors have not contributed as much. But we will take that, and we will even up the ante.

Farmers have told me we will contribute more in deficit reduction through more spending cuts. So the Committee on Agriculture this year was asked to make a few cuts. We did. We cut \$12.9 billion out of farm programs for farmers in the Committee on Agriculture. We went along with it only because we knew we had to provide our fair share, but only until we found out what that savings was going for.

You know what it was going for? The same thing farmers across the country complain about all the time, the fact that we use farm program reductions for food stamp increases; \$7.3 billion was increased in this agriculture budget because of the effect of, get this, the Btu tax.

You might ask, what is going on here? The Clinton administration believes that because of the effects of the Btu tax that they are going to have to increase food stamps \$7.9 billion just to make up the difference.

The Committee on Agriculture cannot stand for that. Republicans stand firm on the fact that those cuts should not go, if we are going to cut in agriculture programs. It needs to go to deficit reduction and not toward food stamp programs, when there has been no reform of the program, no revitalization, no streamlining, no efficiencies.

That is promised down the line, just like everything else has been promised in this country, but nothing was done today.

The Btu tax is supposed to bring in \$70 billion over the next 5 years. But in order to offset that, we have increased welfare programs \$40 billion, because we expect because of the Btu tax more and more people to be dependent on welfare, forced into that dependency.

We heard just a moment ago the majority leader indicate that "Aren't we special, we are increasing the earned income tax credit."

Why? Somebody needs to ask him that, because the Btu tax is driving people into poverty. The farmer must take the risk. The farmer must grow the food. The farmer must transport the food.

Then he has got to finance the food. Then he has got to market the food. Then he has to sell the food. And now we are telling farmers, "Stand in line in order to earn food stamps so you can buy back your food." And that is ridiculous in this kind of economy.

What are we telling the young farmers out there? We are telling them, "Don't come back to the farm. Don't come back to the farm. We don't need you. We don't need you."

Just make farmers get bigger. Get bigger, spend more money. That is what we are encouraging them to do.

None of those young farmers that Iowa has lost or any other district in this country are going to come running back to the farm in order to grow food under this kind of a plan. That is ridiculous. That is not economic growth and revitalization.

Clinton talked about patriots in his State of the Union Address. He talked about all Americans being patriots.

Farmers are patriots. They are not patshies, and we cannot stand for a Btu tax that is offset by welfare programs to drive farmers into welfare so that they can, in fact, be eligible for those same programs.

In a recent Tax Foundation study that just came out today, Iowa alone, because of the effect of the Btu tax, according to this independent foundation, is going to lose 4,779 jobs. That is economic growth, folks.

In fact, my district alone, if this Btu tax passes, is going to lose 890 jobs, in just my district.

Is that economic growth? Ask yourself who of you out there is willing to give up your job for this Btu tax. There are a lot of Congressmen, I think, who are probably going to lose their job over this.

□ 2150

Let me tell you this about the State of the Union Address. The State of the Union Address for me was exciting, because I felt as a newcomer to Congress that we had a President that was willing to stand up to the plate and deal with the budget deficit. You know what happened? When he went out to sell this plan to people, not the Republicans but the people, they said, "Cut spending first." What did he do? He abandoned his sales pitch.

Now what happens? We have Democrats by the droves running to the floor of the House to save the President's plan when he himself is not selling, when he himself is not out advertising, when he himself is letting Democrats fall on the sword.

People ask me, "Gridlock in Congress, Jim, how do you get around

gridlock in Congress?" Folks, gridlock is over. Gridlock is over on this side. We cannot stand in the way of their plan. How many do they have? They have more than 218, don't they? If they don't, maybe the gridlock is on their side of the aisle, and maybe they have to face up to that fact, not on the Republican side.

Of course, we are not going to vote for it. Are you crazy? We are not going to drive people out of work. But if you want to, you provide the votes. You pass the President's plan. He is not calling Republicans. He has not called me. He has not asked me to support the plan. He has not asked me how it affects farmers in Iowa.

They say, "Be specific." We have got Kasich. We even have two amendments that we are willing to introduce this week, if they will let us. Will they let us have an open rule? People out there watching, they say, "What is an open rule? That doesn't make any sense. That is procedural." An open rule means we get to debate this. We get to offer our amendments and we get to offer our specifics. We will see if they let us. Put your money where your mouth is, so to speak.

I think what we have to do is face up to the reality of what this plan is really going to mean. I think it is probably put best in the words of President Clinton's barber. President Clinton's barber probably would say, "Clinton is hair today and gone tomorrow."

Mr. Speaker, what is most disturbing about the past 4 months is that the way of doing business in the House of Representatives has not changed. My constituents tell me they are willing to sacrifice to reduce the Federal budget deficit. They have said repeatedly they are willing to step up to the plate and take their fair share of the hits to fight the red ink spending in Washington.

But that's not what has happened.

First, rural America took its share of hits when agricultural programs were cut \$2.9 billion.

But the hits didn't end there.

They were also informed that in addition to \$2.9 billion in cuts for agriculture, they would get hit with a Btu tax that will cost farmers between \$1,000 and \$4,000 per year. And they will get hit again with a barge tax that is expected to increase the cost of each bushel of corn between 5 and 10 cents.

But the hits don't just end there either. The money resulting from the cuts in farm programs and increased taxes will not go to the \$4 trillion debt hanging over our heads. Instead, Congress has decided that any savings resulting from farm program cuts and tax increases will go to fund new Federal programs.

Mr. Speaker, after the House of Representatives votes on the budget reconciliation package this week and the dust settles, it is rural America that will carry the burden of increased taxes. Rural America no doubt knows what it means to tighten their belts and is willing to sacrifice. But we have to cut spending first.

Unfortunately, Mr. Speaker, the way of doing business hasn't changed at all here.

Mr. ROBERTS. Mr. Speaker, I yield to the gentleman from California [Mr. DOOLITTLE], a valuable member of the Committee on Agriculture.

Mr. DOOLITTLE. Mr. Speaker, I enjoyed listening to the gentleman from Wisconsin and the majority leader make their version of history for all of us to understand. But try as they might to trash the 1980's, the fact of the matter is every income group improved. If we could only get back to the 1980's instead of the malaise of the 1990's.

Is it just Democrats that bear the burden of this? No. Democrats ruled the Congress, but we had Republican Presidents. We had disastrous plans for the 1980's to fix the budget, so we all had, Republicans and Democrats, our fingers in it together. We don't make any claim to the contrary.

This plan advocated by President Clinton is more of the same old warmed-over dinner. It did not work in the 1980's and it will not work in the 1990's.

Focus for a minute, if you will, on what the formula has been. It is always a promised immediate tax hike followed by a promised future set of spending reductions. When was this formula tried? We began in 1982 with the first disastrous tax hike, up until that point the biggest in history. TEFRA it was called. In 1984 we had DEFRA. In 1987 we had another effort; in 1989, yet another; in 1990, the disastrous budget summit agreement that cost George Bush his Presidency.

Now the Democrats, led by President Clinton, come into this Chamber and before the United States ask us once again to put blinders on and pretend the emperor is wearing a magnificent suit of clothes. In reality, it is just the same old failed nonsense. We get immediate promised tax hikes, now the largest in history, and promised future spending reductions.

Of course, it turns out, when you read the fine print, that even in this plan we discover there will be no net spending reductions for the first 2 years of the plan. Mr. Speaker, we will never get beyond the first 2 years of the plan. That is the idea. Don't you think it is fascinating, we have a 5-year plan and we get the first couple of years and then we are onto a new 5-year plan, with yet more tax increases and further spending reductions? Look at this chart. These numbers have changed a little bit, I am going to be very honest. This is a moving target, and this chart was prepared a month ago, so they are a little different.

Let me just outline briefly what the effect of the Clinton plan is. It is \$140 billion in new spending, under these numbers, \$359 billion in new taxes, and, after we go through all of that, what do we end up with? After we penalize farmers and blue-collar workers and middle-class workers and everybody in

this country, shared sacrifice, it is like socialism, equal sharing of misery, as Churchill said, what do we end up with? We end up with an annual budget deficit of \$228.5 billion.

The gentleman from Texas [Mr. ARCHER], the ranking member of the Committee on Ways and Means, tells me this is now projected to be \$250 billion, but it is over \$200 billion, wherever the numbers may fall.

What does that do for us? It is a serious fiscal risk for this country to end up after the largest tax increase in history and energy tax that is going to cost 600,000 jobs, and the effect of the other taxes in the Clinton plan may be to cost 1½ to 2 million jobs, and then we end up with an enormous annual deficit.

Let me show the Members by comparison what has happened in the past. This chart is not upside down. It just so happens that the Government has not had a very good record with its budget in past years. Look, this goes clear back to 1940. These are inflation-adjusted dollars. Look at what happened here in World War II. In inflation-adjusted dollars we had annual budget deficits of over \$500 billion. But look here, near the end of World War II, the tremendous drop that occurred, down to about \$180 billion. Guess what, folks? The next year there was a surplus, a surplus that is about \$45 billion.

Under this pathetic administration plan, after huge tax increases, we will end up with an annual budget deficit of over \$200 billion after 5 years, and having added a cumulative total to our existing national debt, which is about \$4 trillion now, it will be \$5 trillion.

That will not work. It will not work for farmers, it will not work for housewives, it will not work for children, it will not work for senior citizens, it will not work for anyone who hopes to thrive in this Republic.

A good Democrat, John F. Kennedy, used to say, "A rising tide lifts all boats." Another way of saying that is, when the rich get richer, the poor get richer. Sure, we can go back into socialism and have the equal sharing of misery, kind of like we got a taste of that right now. It is going to get worse if we enact the Clinton plan.

We have had various statements about farmers. Let me quote from the president of the American Farm Bureau Federation, writing to President Clinton. He said:

I am compelled to express our members' deep concern about the energy tax proposal and your proposed economic package. If imposed, this tax will stifle economic output, increase production costs for farmers, cause farm prices to decline, and jeopardize our ability to compete in the world markets.

Agricultural products are processed, packaged, and transported to consumers. They will be more costly due to the multiplier effect of energy cost increases at each point in the food distribution chain.

Mr. Speaker, we ought to get real and recognize the key to balancing this

budget freeze. It is a reduction in spending. When I hear about how many billions that are being cut, that is only inside the beltway. They are not cutting anything, as far as I can tell. They are merely reductions below the planned increases, but they are net increases. It is a disaster. We have got to quit talking like that.

If you are going to talk about a cut, tell me that you are spending less next year than you are spending this year. That is a cut. That is the type of approach we are going to have to take, or at least a freeze so we allow the growth in the economy to reduce the deficit.

Paul Craig Roberts wrote an article saying that if President Reagan had continued the partial freeze in spending in 1987 for 2 more years, his administration would not have been known for its deficits. What we need to do is recognize there is an economic emergency in this country, and that does not mean you go out and pour money out the door from the Federal Government and not be subject to the phoney 1990 budget rules, the pay-as-you-go rules, like we have done time and time again. What it means is you stop spending and you let the budget gap close to the natural growth in the budget. That is the formula for success, and that is what will help farmers and everyone else.

□ 2200

So in this Agriculture Committee, and in this presentation, I thank the ranking member for the chance to address the House on these important issues. We have got to recognize that control of spending is what is lacking here. We do not need any tax increases of any kind. We need spending cuts, and this Clinton package does not do the job.

Mr. ROBERTS. Mr. Speaker, I thank the gentleman from California for his contribution.

I yield to the gentleman from Arkansas [Mr. DICKEY], a most valuable member of the House Agriculture Committee.

Mr. DICKEY. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I am from Pine Bluff, AR. It is a little town in the Fourth Congressional District. There we have agriculture as a main commodity or main business and a staunch part of our economy. There we are playing out a game called farmers lose, and this farmers lose game comes from the fact that this reconciliation package that we are going to consider here soon in this body will hurt the farmers in two ways. It will cut the farm programs and cut the financial footings out from under the farmers, and it will also tax him or her in a disproportionate way as compared to other industries.

My colleagues have spoken to the inequity of raising food stamp spending. They have spoken on the hardships

that will be caused by the proposed Btu tax.

I want to spend some time talking about the other tax that will have a very negative impact on our farmers. That is the inland waterways fuel tax—the so-called barge fuel tax.

To add insult to injury, the reconciliation bill also adds another tax that will be devastating to thousands of farmers: The inland waterways fuel tax.

Forty percent of all grain shipped in this country moves by barge. The Ways and Means Committee announced that it had made a major concession to barge users by cutting the proposed increase in the inland waterways fuel tax in half.

This might sound good. But what it really means is that there will be a 250-percent increase in the tax on barge fuel, if this reconciliation package is passed.

The American waterways operators have said that the Ways and Means compromise is not enough. That organization says that jobs are already being lost in the industry, as orders for new vessels and equipment are canceled in anticipation of loss of business it will cause.

We have seen this already in the luxury tax that was passed here in this body. In the first year that luxury tax was passed there were 9,100 jobs lost and the Federal Government ended up paying out \$2.40 in benefits for every \$1 collected under the new tax. This is the experience we can fall back on as we look at what the taxes are going to do to the farmer.

We must not make the mistake of penalizing associated industries, like agriculture, with the full cost of all the various projects that may have been done on those rivers, for a wide variety of users and purposes.

I have tried hard to find out why this inland waterways tax has been proposed, and the only thing I hear is that the users should pay for the maintenance. But I know as a young boy growing up in Pine Bluff, AR, when that river was nothing but a thread in the summer and a raging torrent in the winter, lives were lost and land was devastated. This Arkansas River project, as well as other inland projects, were actually put in to have flood control, not so that we could have barge traffic. Barge traffic is a by-product of that, and to say now that we are paying for the maintenance for the barge traffic is wrong. It is not the reason why these particular inland waterways were created.

This tax has far-reaching and extraordinarily serious implications for a number of significant Federal policy areas. As an example, more than one-half of all U.S. export grain goes by barge to deepwater port, where prices paid are set by world market forces. Those forces are irrelevant to domestic

transportation costs, and farmers will have to absorb 85 to 95 percent of the rate increase as less income per bushel.

Using Army Corps of Engineers estimates, one study projects that farmers will contribute more than one fourth of all new revenue derived from the tax increase. The resulting farm income losses easily could trigger increased requirements for Federal support payments, offsetting much or possibly all new revenue derived from the Waterways fuel tax.

The Arkansas Farm Bureau, an organization I respect, is on record as being opposed to the barge fuel tax. They have indicated their great concern that it will not only hurt our farmers, but that it has hidden costs as well.

The Arkansas State Senate passed a resolution opposing the proposal to increase the inland waterways fuel tax, saying the tax would be "detrimental to the economy of Arkansas and the United States, resulting in lost jobs, lost public and private investments, and higher prices for all."

A lot of those people signing that particular resolution in the Arkansas State Senate are the closest of friends and the staunchest of supporters of our President.

The Arkansas Waterways Commission points out that barge transportation is the most environmentally friendly mode of transportation. A fuel tax in Arkansas, as in many other States, would create a railroad monopoly within the Nation for the movement of raw materials, farm crops, farm chemicals, and fuels. There is no economic logic for the destruction of the navigation industry.

The barge tax will have a ruinous effect on Arkansas agriculture, as well as on other Arkansas businesses. It will impact local communities, as farmers and other businessmen have to pay higher prices to get their goods to market. We should not even think about doing something that has such far-reaching effects, unless we know what those effects are and are willing to live with them.

Farmers cannot pass those costs along. Farm commodities are traded in international markets. The proposed reconciliation package will put American farmers at another disadvantage relative to their heavily subsidized competitors in other countries.

I joined my Republican colleagues in the Ag Committee in voting against the reconciliation package. Yet our voice in support of American agriculture went unheeded.

Farmers, who represent less than 2 percent of the population, are being asked to bear 10 percent of the discretionary, nondefense cuts.

As a result of this reconciliation package, we are faced with more taxes, more spending, higher deficits, and lower farm programs. Our Nation's farmers are being asked to suffer. And

this is not right. This is not proportionate.

This reconciliation package will be a terrible burden on an industry that is vital to the welfare of our Nation. We must not allow this burden to be placed on agriculture.

Mr. ROBERTS. I thank the gentleman for his contribution.

Mr. Speaker, I yield to the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Speaker, I thank the gentleman from Kansas for yielding and I rise this evening to support my colleagues on both sides of the aisle who oppose the increased energy tax proposed by the administration, and to help focus attention of this Nation on the heavy burden it places on rural and agricultural communities.

My home State of Idaho is powered by energy-intensive industries like agriculture, logging, mining, manufacturing, recreation, and tourism. This increased tax singles out rural and energy-dependent areas like the Second Congressional District in Idaho.

This proposed energy tax increase adds up to thousands of dollars in expenses for Idaho farmers. The men and women who work hard every day to grow food we put on our tables will bear an unfair burden under this tax.

Tax hikes on fuel, gasoline, and electricity alone will add millions to the cost of goods and services. It will boost the price of the very items that the farmers need to do business, fertilizer, equipment, transportation.

In my hometown region of Idaho Falls in eastern Idaho, potato and grain farmers will face an increase in production costs of several thousand dollars a year just for direct increases. That does not include the indirect increases that they will face in terms of increased fertilizer, electric, and transportation costs. Sugar, corn, mint, and wheat farmers in the Treasure Valley in southern Idaho will also face increased costs of thousands of dollars.

These are family farms, the ones that provide the backbone of our farm economy. We cannot ask them to foot this bill. I will not ask them to foot this bill.

The increased tax on agribusiness will have a ripple effect throughout rural economies. The Idaho Farm Bureau tells me that Idahoans will pay an additional \$160 million annually in direct energy taxes in utility and fuel costs. This tax takes the biggest bite from rural economies and will only drive farmers and other industries out of business. It will drive up the cost of food, and in the end will not help to reduce the deficit. This is the cruelest tax of all, a heavy middle-income tax.

We are asked by the President to pay this price to share the sacrifice in order to get this country out of its Federal deficit. But this tax increase will not be used to cut the deficit. History has shown and the review we just

saw earlier shows that every time we raise taxes in this country, spending increases more than the tax dollars increase. This last tax increase resulted in, I think it was, \$1.59 of increased spending for every \$1 of increased taxes. History should teach us this lesson, and we should not be lead down this path again.

Hundreds of Idahoans have sent me letters asking that Congress cut spending first. That is where our attention should be focused, in finding ways to cut spending, not to increase it.

The problem with our Federal Government is not that it taxes us too little but that it spends too much, and an increase in energy taxes will only continue that unfortunate trend.

Mr. ROBERTS. Mr. Speaker, I thank the gentleman for his contribution.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. EWING], a most valuable member of the House Agriculture Committee.

□ 2210

Mr. EWING. Mr. Speaker, I thank the gentleman for yielding. I appreciate his organizing this special order on the eve, or the night before the eve, of the important tax vote in this House.

The American people have every right to know what is happening in their House. The Clinton budget hits farmers very hard. The American farmer is willing to do their share.

But let us look at it very closely: a \$3 billion decrease in farm programs, \$7 billion increase in food stamps. To the American public, it appears that agriculture has got a \$4 billion profit when, in fact, \$3 billion is taken out of the programs that make American agriculture competitive, that allow American farmers to stay in business while competing against the European Economic Community and other areas of the world in which we trade who are heavily subsidized.

Tonight I want to talk particularly about two elements of the Clinton plan which I think will hurt farmers.

No. 1, I want to talk about including ethanol in the Btu tax, and I want to talk briefly about the barge tax.

Originally, President Clinton included ethanol in his proposal to be taxed under the Btu tax. Ethanol was then exempted in a revised program which was intended to win farm support. However, the Committee on Ways and Means, in their wisdom, reinstated the tax on ethanol to pay for, listen to this, a partial exemption from the Btu tax for on-farm use of gasoline and diesel. So we put the tax on ethanol, we take the tax off ethanol, we put it back on, and we are going to give a little crumb to the farm community on the diesel they use on the farm.

We now probably will have to color that purple so that we can keep track of it. It may be a full-employment bill for inspectors to be sure you have pur-

ple-colored diesel fuel which is partially exempt from the Btu tax. Farmers are not going to be happy to hear that they lost one exemption just to pay for a partial exemption on other fuel they need, nor will they be happy to know that they are going to lose one of the fastest growing markets for their corn, the ethanol industry, nor, I think, are the working men and women of America going to be happy when they realize they are not going to have these jobs.

We are not going to have this renewable fuel made from American grown corn by American workers. Ethanol is that renewable fuel just like wind and other renewable sources and should be exempt.

Additionally, we have the barge tax then. It hits Illinois and other mid-western farmers very hard. We depend on the waterways to get our grain to market.

While Ways and Means cut Clinton's proposed barge tax in half, it still is over a 250-percent increase from the current tax. Congressional Research Service estimates that the original barge tax proposal would cost corn farmers in Illinois 6 cents a bushel. The Ways and Means barge tax will still cost 3 cents a bushel, and when corn is at 2.20, that is not much of a bargain.

I might mention that the taxes included in the President's plan are indexed to inflation. What a cruel hoax, sneak in in the middle of the night and take it out with inflation every year, an increase in the taxes. The American public should know that.

The bottom line is taxing ethanol and the barge fuel is just a part of a package that could devastate American agriculture and rural America. We will be back here trying to fix this mess probably in a year or two.

Mr. ROBERTS. Mr. Speaker, I thank the gentleman for his contribution.

I yield to the gentleman from Georgia [Mr. KINGSTON], who represents a most important agricultural district.

Mr. KINGSTON. I thank the gentleman very much for yielding.

Mr. Speaker, I have in my hand a letter from a constituent that I received last week. It says:

DEAR CONGRESSMAN KINGSTON: I am furious. I have lived the life of a south Georgia farmer all my life and I am deeply concerned about President Clinton's plans to cut the farm programs of our great nation. Who does he think is going to raise the crops and produce the food for the recipients of food stamps to purchase after he puts these self-sufficient, hard-working farmers out of business? You cannot grow beans, potatoes and corn on a piece of paper called a food stamp! It takes a thriving, producing farm with plenty of acreage to produce healthy, marketable food products.

I, along with my friends, are furious, and we would like you to remind the President that he will only serve 4 years at the rate he is going.

And this, Mr. Speaker, is from a Democrat.

Why is she so mad? Myra Johns is mad because she, like many other middle-class in America, was promised a tax cut by the now President Clinton. Instead they got a series of tax increases, fees, and other spending increases on them, the most famous, the one that hurts the farmers worst, I think, which is the Btu tax.

Down on the farm back home, we say Btu stands for "Bill's Tax is Unfair." It is unfair because it hits people with a direct tax increase of about \$400 for the average Georgia farm, and then indirect tax increases of about \$600 per farm. Now, is indirect costs going to increase the cost of the goods and services that they buy, the transportation, the fertilizer, all of the products that they purchase for the farm for their production of food which is going to increase and then, of course, the taxes on the municipalities, the counties that they live in.

These governments will have to incur higher taxes, or higher costs, for utilities that they consume, and they are going to have to turn around and increase the millage rates on these farmers.

So it is a very substantial tax increase.

Now, I know that the President said, "Do not worry, we are bringing interest down." Well, I am glad to know we have got a President now who can control the interest. Why does he not go ahead and control the weather while he is at it and help these farmers out a little bit more? For him to say that he controls interest rates, Mr. Speaker, please.

Look at the action of the committee last week; we increased the fees and cut spending on farmers \$2.9 billion because we needed to reduce the deficit, and then we turned right around and increased food stamps \$7.4 billion on top of an \$8.4 billion or an \$8 billion COLA which was built in.

Since 1979, food stamps have tripled: \$7,300 in 1979 to \$21,000 this year. How many farmers have had their incomes triple since 1979? How many farmers are millionaires, since we are out to kill millionaires? How many of the farmers are these big, bad, wealthy people the President keeps screaming about?

If this tax increase is so good, why is it that the majority party does not want to wait until the break to vote for it? Are they afraid they might go home and folks might say, "Hey, this is a horrible tax, and you folks are out of your mind if you think we are going to continue to let you run the Government based on these tax increases."

Mr. Speaker, farmers in my district are not afraid to do their part. They have always stepped forward, but what we need to do is help farmers so that they can produce more food at cheaper prices. We need to give them a capital gains tax cut, an investment tax cred-

it, and less regulations. We do not need to bite the hand that feeds us.

Mr. ROBERTS. Mr. Speaker, I thank the gentleman for his contribution.

Mr. Speaker, at this particular time I yield to my friend and colleague to the north, the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, tonight we are here to highlight the adverse effects that the majority's budget reconciliation package will have on U.S. production agriculture.

This package will likely result in: the largest tax increase in history; pushing the economy back into recession; driving the deficit further out of control; dragging the country further into debt; and an even more powerful Federal bureaucracy. And to get all of this, we are once again asking the country's agriculture producers to ante up, and do more than their fair share.

Mr. Speaker, the President and many others have asked for shared sacrifice. This package sacrifices the farmer; there is not shared sacrifice involved. Farmers have shown their willingness to do their fair share, as agriculture has already sacrificed \$57 billion over the past decade—percentagewise, more than any other sector of the economy. I believe too much focus has been placed on agricultural spending, which accounts for less than 1 percent of our total Federal spending.

Nearly \$2 billion of the cuts in farm program spending will come from reducing the number of acres on which a farmer can receive deficiency payments, by 5 percent. This reduction comes on the heels of the 1990 budget reconciliation provision, that just 2 years ago stripped the farmers of 15 percent of their cropland benefits.

The budget reconciliation bill we are scheduled to consider on Thursday, calls for an additional 5-percent increase in the so-called unpaid flex or triple base acres, without a corresponding reduction in the regulatory burden associated with conservation compliance on those acres.

Specifically, I want to focus on an amendment I offered during the Agriculture Committee reconciliation mark-up, that would have saved an additional \$269 million, and at the same time reduced some of the paperwork burden that has been placed on farmers.

My amendment, patterned after H.R. 1587, which was introduced by Mr. ROBERTS, and S. 610 by Mr. KERREY in the Senate, would simply say that on a farmer's unpaid acres, the farmer will no longer be subject to the conservation compliance and wetlands protection requirements of current law.

This theory reinforces the concept, adopted by Congress in the 1985 farm bill, that when farmers receive farm program benefits, the taxpayer has the

right to demand certain conservation benefits. The reverse should also be true. When the public withdraws benefits from farmers, the public at that point, forfeits the right to tell the farmer how to farm.

If this House, insists on imposing on our agriculture producers, the 5-percent triple base expansion, then the least we could do is relieve them of a few Federal mandates and save the taxpayers money at the same time.

Mr. Speaker, as the unpaid acreage increases from 15 to 20 percent, more farmers will find the program lacking in sufficient benefits, compared to the cost of setting aside acreage and complying with Federal mandates. This will severely reduce the levels of farm program participation.

According to the Food and Agricultural Research Policy Institute at the University of Missouri, a 5-percent increase in flex acres will reduce payments almost dollar for dollar from net farm income. For example, the study projects corn farmers' returns will decline around \$3 per acre; wheat farmers' returns will fall by \$1 to \$1.50 per acre; and cotton and rice returns will drop by \$3 to \$5 per acre under this package.

How can we continue to ask for more and give less? This concept does not work in the business world, and it is not going to work through another Government program. This philosophy of reducing farm program spending, and increasing mandates, is putting agricultural policy on a collision course with disaster.

President Clinton, in his State of the Union address said, "We ought to be subsidizing the things that work, and discouraging the things that don't." Agriculture programs have earned the right to be counted among the things that work.

Agriculture programs have a successful track record; they are worth the investment. Returns to America include: The world's safest and lowest cost food and fiber supply for American consumers; a job for one out of six Americans; and a \$16 billion positive trade balance for the Nation's economy.

In conclusion, I am opposed to the agriculture section of budget reconciliation, because it will severely damage agriculture by increasing production costs, reducing commodity prices, and decreasing world competitiveness. All this on top of the painful budget savings that agriculture has absorbed over the past 8 years. I cannot and will not support this proposal.

□ 2220

Mr. ROBERTS. I thank the gentleman for his comments.

Mr. Speaker, at this time I yield to the gentleman from Colorado [Mr. ALLARD], the ranking member of the Subcommittee on Foreign Agriculture and Hunger.

Mr. ALLARD. I thank the gentleman for yielding.

Mr. Speaker, I rise today to address the Clinton administration's cut in farm programs, their increase in the energy tax, and their rising deficit. It amazes me that in a time when our constituents are willing to make the sacrifices necessary to being the budget under control, the Clinton administration manages to cut farm programs, raise taxes across the board on agriculture producers, and increase the deficit \$4.4 billion for food stamps.

I want to be clear that food stamps are necessary for many Americans and their families. However, it's just as true that the President has promised to enact welfare reform. Certainly, it makes sense to defer this new spending until it can be put in the context of a reform package. If we were to defer the new spending it would not take 1 dollar of benefits away from those who are currently eligible, nor would it prevent those who are newly eligible from receiving food stamps. What this would ensure is that we are wisely spending taxpayer dollars.

But instead I have to go back to Colorado and tell the farmers in my district that we cut their programs by almost \$3 billion but still increased spending by almost \$4½ billion. And by the way, on top of all this, there's still the Btu tax you are subject to, and that is tied to inflation so every year it will continue to rise.

Mr. Speaker, all the farmers in my district are going to be adversely affected by the actions we took in the Agriculture Committee last week. But let me give you an example for a farmer I have known since I was in the Colorado State Senate. His name is Dennis Hoshiko. He farms in Weld County, primarily onions, along with some wheat and pinto beans.

He, like most farmers, is ready and willing to make some sacrifices to help balance our budget. He is willing, along with the rest of America, to give a little for the common good. But instead of telling him that we made hard decisions on the deficit, I have to tell him that once again we're going to tax him so we can increase spending. I am tired of saying it, they are tired of hearing it, but it keeps happening—increased spending.

It is frustrating because all of us who were elected last November were given one clear mandate: cut the deficit. It didn't matter what region of the country you came from. It did not matter what State. It did not matter whether you came from a rural or urban area, the message was the same: decrease the deficit. It is going to be tough on some of our colleagues to go home and explain increased spending.

As you can probably guess I'm going to vote against this budget. But it is probably still going to pass the House. I hope that the Senate can modify this

to make it less castor oil and more sugar. Or to put it plainly I hope they can hold down taxes in this program and come up with less spending.

Mr. ROBERTS. I thank the gentleman for his contribution.

Mr. Speaker, at this time I yield to the gentleman from Virginia, Mr. GOODLATTE, a most valuable member of the Agriculture Committee.

Mr. GOODLATTE. I thank the gentleman, our distinguished leader on the Committee on Agriculture on our side, for yielding to me.

I appreciate the time to talk about this devastating economic plan that the President has proposed.

The gentleman from Colorado [Mr. ALLARD] correctly pointed out that people of this country want more than anything else a reduction of this deficit, and the American farmer is making a contribution, more than a contribution, a real commitment to that deficit reduction with this budget cut of nearly \$3 billion, 11 percent of the agriculture budget.

Mr. Speaker, it reminds me of the story of the difference between the contribution of a chicken and that of a pig to a ham and egg breakfast. The chicken makes a contribution, the pig makes a real commitment.

That is what the American farmer is doing here with this budget.

Then he turns around and looks and sees what the Agriculture Committee at the same time is asked by this administration to do, and I cannot support, increased food stamps in this country by \$7.3 billion.

□ 2230

Now, nobody is calling for cutting the Food Stamp Program, but the reason why this program is being called for, the reason why it is necessary is that the Btu tax is going to take so much money out of the pockets of hard-working, low-income people that they are going to have to turn around and give it back to them in the form of food stamp handouts.

Now, what does that say, Mr. Speaker, for welfare reform in this country, that we would deprive hundreds of thousands of people with jobs—the estimate is over 600,000 jobs nationwide, more than 10,000 in my State of Virginia, and turn around and increase the food stamp budget by 25 to 30 percent. It is simply wrong. It is the wrong approach. The Btu tax, many of my constituents now understand what Btu really stands for, big time unemployment.

We need to get cuts across the board, not just in agriculture, but in everything across the spectrum of the Federal budget and get serious about cutting spending, not increasing taxes.

Mr. ROBERTS. Mr. Speaker, I yield to the gentleman from Indiana [Mr. BUYER], who serves on the Armed Services Committee and who represents the

fabulous Fifth District, which is a vital agricultural district, and I welcome the gentleman to this special order.

Mr. BUYER. Mr. Speaker, I thank the gentleman from Kansas [Mr. ROBERTS] for yielding to me. I compliment the gentleman on his leadership on the Agriculture Committee and on his leadership in this country for agriculture.

I come here because I represent a rural district in Indiana, all the parts of 20 counties. That is very small compared to the 60 counties of the gentleman from Kansas [Mr. ROBERTS], but the people of Indiana are very similar to the people of Kansas and very similar to people all across rural America.

The Btu tax, or the energy tax on middle-class families, yes, it sets out to raise \$71 billion in revenue, but we do not need a new source of revenue.

The President still has not received the message from the American people, and that is to cut spending first, not to create new spending.

To add on this energy tax so we can raise \$7 billion for food stamps and \$28 billion to increase the earned income credit is just a redistribution of wealth theories of old.

It is estimated that in Indiana the Btu tax will cost my State not only tens of thousands of jobs but also the Nation will lose over 600,000 jobs.

What really boggles my mind, Mr. Speaker, was when the President came here to this Chamber and he proposed the Btu tax, he at that time had no idea what effect the Btu tax was going to have upon agriculture nor the American families, nor upon manufacturing. Only now are we calculating what that effect is going to be.

In Indiana, the Indiana Farm Bureau conducted a study that showed the impact of the Btu tax alone on corn, soybean, and wheat production is over \$12 million annually, just in my district alone. The impact of three counties, White, Jasper, and Benton Counties, over \$1 million each. These are very rural counties. We are taking this money out of rural districts for redistribution around America.

A local farmer from Rensselaer who farms 1,200 acres of corn, soybeans, and wheat, projects that the annual cost will be over \$1,600 from those three crops alone. That does not take into account the barge tax, dairy products, the tax effect on livestock, an increase of rural electric.

We heard discussions about the shared sacrifice. Those who live in rural America are very used to shared sacrifice because they have always done more with less. It is part of their heritage. It is part of their character and that is why we refer to those people who grow up in rural America as those who live in the heartland of America.

This Btu tax is flat-out wrong and we should have a separate vote on the tax coming up.

Mr. ROBERTS. Mr. Speaker, I thank the gentleman for his contribution, and all the Members of the House Agriculture Committee and others who have contributed to this special order.

Mr. Speaker, I include the minority views of Republicans on the Agriculture Committee in the RECORD at this point:

[Committee on Agriculture, U.S. House of Representatives]

MINORITY VIEWS, TITLE I OF THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993, MAY 21, 1993

(Prepared at the Direction of Ranking Minority Member Pat Roberts by the Minority Staff of the Committee on Agriculture)

The final reconciliation package passed by the Committee on Agriculture cuts \$2.95 billion from the USDA Budget that will protect farm income over the next five years. This contribution to deficit reduction is on top of the \$57 billion in cuts surrendered by agriculture over the past decade.

At the same time, following the President's budget blueprint, the Committee action increases spending on food stamps by \$7.3 billion over the same five-year period. This increase comes despite an OMB spending baseline that projects food stamp spending increasing from \$25 billion to \$28 billion by 1998. Baseline estimates include provision for cost of living increases and newly eligible recipients. If the \$7.3 billion increase was eliminated, not a single person now eligible or expected to become eligible would lose a single dollar in food stamp benefits. This is simply an expansion of the program, supposedly to offset the effect of the Btu tax.

The Committee, voting on party lines, defeated amendments to block the food stamp increase and to eliminate the need for cuts to farmers by offsetting them against food stamp increases.

Nearly \$2 billion of the farm program cuts comes from reducing the number of acres on which a farmer can receive deficiency payments by 5 percent beginning in 1994. This increase in the so-called "unpaid flex" acres would be added to the 15 percent unpaid acres instituted to make savings in 1990. In addition to the 20 percent unpaid flex, farmers will be required to set-aside acres from production to qualify for entry into the farm programs. In 1994, for example, corn will have a set-aside of 10 percent plus a further 20 percent of unsupported acres. For wheat there will be a 5 percent set-aside plus the 20 percent unpaid flex acres.

The cuts adopted by the Agriculture Committee will be crippling to a farm economy that is already suffering from weak grain and commodity prices, but the devastation of agriculture does not end there. Among the \$240 billion in net additional taxes contained in the reconciliation bill are two taxes that will destroy the economic base of thousands of farms: the increase in the inland waterways fuel tax and the BTU energy tax. Unfortunately, these issues are beyond the jurisdiction of the Committee on Agriculture.

The Ways and Means Committee announced a major concession to barge users (40% of all grain moves by barge) by cutting the proposed increase in half. While this may sound like progress, it still means that there will be a 250% increase in the tax on barge fuel. This increase will subtract five cents from the bushel-price for a farmer who ships his grain down the Mississippi River. A medium-size corn farmer in Illinois who ships half his crop for export could expect to lose \$2,000 from the price of his corn.

The President's BTU tax is the really big hit on farmers, and again the House Ways and Means Committee claims to have given an "exemption" to agriculture. In fact, the "exemption" is only a slight reduction of an unfair and disproportionate tax. Energy is the basis of all production and is used to increase efficiencies and reduce manpower needs. Nowhere has this been more true than in agriculture, perhaps the most productive sector of our economy. The BTU tax will be levied on all the gasoline, diesel, natural gas and electrical energy used by farmers.

In the proposed BTU tax petroleum-based energy will be taxed at a higher penalty rate. The Ways and Means Committee amended the President's plan to allow farmers to pay gasoline and diesel BTU assessments at the lower non-petroleum rate for on-farm uses. How useful is this "exemption" for farmers? In the aggregate they will still pay \$600 million to \$1 billion annually in BTU taxes. Individual taxes will vary according to region, size and specific crop, but farmers can expect to pay from \$1,000 to \$4,000 each year in additional taxes attributable to the BTU tax. To offset the revenue loss from granting this minor relief to farmers the much acclaimed exemption of ethanol from the BTU tax was stricken, denying this farm-based fuel a greater opportunity to crack the vehicle fuels market.

The absurd nature of the BTU tax is illustrated by the convoluted budget structure of the proposal. The BTU tax is expected to bring in \$70.5 billion over five years. However, in order to offset the burden of this energy tax on the poor, spending was increased in several federal programs: \$7.3 billion in food stamps; \$28.3 billion for the Earned Income Tax Credit; and \$4 billion for low income energy assistance. As a result the government will have to spend nearly \$40 billion to offset the harm done by the \$70 billion in new taxes, while imposing an unfair and unequal burden on energy intensive industries like agriculture. First, Congress creates the BTU tax, then its effects are offset with major spending increases like food stamps; and then farmers are asked to pay for the increased food stamps by cutting their programs. Farmers get it coming and going.

Farmers have indicated their willingness to make contributions to reducing the deficit. Indeed, they have repeatedly done so over the last decade. But it is fundamentally unfair to ask them to make another major sacrifice for a plan that will raise \$3.23 in taxes for each \$1 cut in spending with the net result after 5 years of economic pain very little progress on the deficit. Nor is it fair that their programs be cut to the bone while the Clinton Administration and the Democrats insist on major increases in spending for their favored programs.

THE COMMITTEE ON AGRICULTURE HAS A RECORD IT CAN BE PROUD OF ON THE FOOD STAMP PROGRAM

Over the past several years the Agriculture Committee has reported numerous bills, that were enacted into law, expanding the food stamp program and other nutrition programs under the Committee's jurisdiction. In the 100th Congress, there were 7 bills; in the 101st Congress, there were 4 bills, including the 1990 Farm Bill; and in the 102d Congress, there were 4 bills.

Since the inception of the food stamp program, with pilot projects in 1961, total food stamp spending has reached \$220 billion.

In 1983, ten years ago, food stamp spending totalled \$12.7 billion. In 1993, it is expected food stamp spending will total \$25 billion—double the federal funds spent on the pro-

gram. Since 1983, \$175 billion has been spent on the food stamp program.

The food stamp program is designed to automatically expand to meet the food needs of poor families—without any additional legislation. People with incomes below 130% of the poverty line are generally eligible for food benefits. Food stamp benefits are indexed each year to account for the cost of food inflation. Therefore increases in participation are accommodated within the current program.

In 1981 and 1982 the rate of growth of the food stamp program was slowed down. However, according to a study prepared by the Urban Institute in May 1986, the average number of food stamp participants, the average benefit, and the total program costs all showed growth from 1981 to 1984.

The study shows that the effects of the 1981-1982 food stamp legislation was smaller than original expectations and the basic structure of the food stamp program did not change significantly. The legislative changes did not have a consistent or significant effect on the number of people receiving food stamps.

The Urban Institute Policy and Research Report concluded "... on the whole, it appears that the legislation exercised moderate restraint on program growth and costs without undermining its ability to serve current and potential recipients."

The food stamp program is carefully designed to expand to meet the needs of poor families, without any legislative changes. Over the past ten years the food stamp program has been liberalized almost every year. It was significantly expanded by Congress in 1985 and 1988.

According to figures from the Department of Agriculture, the food stamp program will cost over \$28 billion by 1998—without any legislative changes to the program. With the changes adopted by the Committee, the food stamp program will cost \$30 billion by 1998, with no reform of the system and no opportunity to improve poor peoples' chances to get a job.

Food Stamp Program Growth (In billions)

Year:	Expenditure
1979	\$6.9
1980	9.2
1981	11.3
1982	11.1
1983	12.7
1984	12.5
1985	12.6
1986	12.5
1987	12.5
1988	13.3
1989	13.8
1990	16.5
1991	19.8
1992	23.5
1993	25.1

WHAT IS WELFARE REFORM

The goal of welfare reform is to make taxpayers out of able bodied participants, something that will be difficult to do with the present welfare system. In the long run reform of the welfare system will benefit participants and taxpayers. Nevertheless, reform can entail costs and spending more money now on the food stamp program, before we reform the system, is not the right thing to do.

Putting \$7.3 billion into the food stamp program before any reforms are made to the welfare system is like putting the cart before the horse. There is a better way to provide

help to poor families and the President's proposal to reform welfare as we know it presents an opportunity that should be seized.

WHERE IS THE REFORM OF THE WELFARE SYSTEM?

One of the themes of President Clinton's campaign and a bi-partisan goal of Congress is to end and reform welfare as we know it. Unfortunately, the food stamp proposals adopted by the Committee do not end welfare as we know it; rather, they continue the same welfare programs. In fact, they will trap second generation food stamp recipients in the circle of poverty that undermines family and self responsibility. The President said he wanted to require those who can work, to go to work. What is missing in the food stamp package adopted by the Committee is a significant proposal to accomplish this goal; to target assistance to the truly disadvantaged; and, to assist those who are able-bodied gain employment. In fact, the changes to the food stamp *employment and training program* included in the President's bill cost \$20 million over five years—or less than .3%—three tenths of one percent of the entire five year cost of the bill. If we are to increase food stamp spending by over \$7 billion, surely we can allocate more than .3% of employment and training programs.

Before additional funding is allocated to the food stamp program, described by the President as an investment, this "investment" should pay dividends—to the able bodied people now relying on food stamps, by ending this circle of poverty, and to the taxpayer who is footing the bill.

THE CASE FOR WELFARE REFORM OR ENDING THE "CIRCLE OF POVERTY"

Families participating in the food stamp program have needs other than food—the need for financial assistance, help in finding a job, housing, and medical assistance are among the major problems facing poor families. The present system with the lack of coordination and resolution of the differences among the programs, is very troublesome. There are major problems facing the entire public welfare system. Until these problems are addressed, which must include budgetary, regulatory, tax, and welfare reform, real assistance for needy families will not be achieved.

When a family is in need of help, that need often crosses program lines and the hurdles that families must scale in applying for help are immense. They often must go to different agencies, meet different eligibility standards, and abide by different rules and regulations. That they are able to receive help is a reflection of their abilities, rather than the system presented to them.

The time is ripe for change. There is great interest in looking at the present welfare system and making changes that benefit the families looking for help and the administrators running the programs. President Clinton, while campaigning and in his State of the Union address, made the point we must end welfare as we know it by giving poor families the tools necessary to improve their lives and those of their children. He is right. Unfortunately, the Agriculture Committee turned its back on this opportunity.

COMMITTEE CONSIDERATION

The President's 1994 budget proposed to institute an energy tax, better known as a BTU tax. Because of the effects of this new tax the President also proposed to increase spending in programs designed to help poor families.

The Administration submitted its proposals for changes to the food stamp program to

increase spending on the food stamp program by \$563 million in 1994 and by \$6.955 billion over a five year period. The proposals include removing the ceiling on the excess shelter deduction which will cost \$2.5 billion over five years (over one-third of the new spending) resulting in additional food stamp benefits to only 15% of the families receiving food stamps. Another change increases the value of a car food stamp families may own and then increases that amount each year to reflect the changes in the consumer price index for new cars.

The Agriculture Committee adopted the Administration's food stamp proposals, with few changes, and the resulting expenditures total \$7.137 billion over five years. The Committee rejected two proposals: to offset cuts to farm programs and increase food stamp spending by \$4.4 billion and to defer additional food stamp spending until the President's welfare proposal is submitted to Congress.

The Committee rejected an opportunity to place \$7.3 billion in a "trust fund" for future reform of the welfare system. Instead the Committee chose to spend now and probably pay later as well.

THE ROBERTS AMENDMENT

The instructions from the Budget Committee to the Agriculture Committee required a cut in agriculture programs of \$2.9 billion over five years and an expansion of \$7.3 billion for the food stamp program. This means that the Agriculture Committee is charged with increasing the deficit by almost \$4.4 billion—\$7.3 billion minus \$2.9 billion—with none of the money going to agricultural programs.

Because of the 1994 Budget Reconciliation, the Agriculture Committee will be charged with cutting farm programs and contributing to the deficit at the same time. This action was required despite the fact that farm programs have been cut by \$57 billion since 1981.

The Roberts amendment simply said—no cuts to agriculture programs and increase the food stamp program by \$4.335 billion. The result would have been that the Committee would be spending an additional \$4.335 billion; but, agriculture programs would not be reduced. If this amendment had been adopted, the Committee would have been within its spending guidelines, and farmers would not have suffered another year of budget cuts.

The Roberts amendment did not cut food stamp program spending. It increased food stamp program spending over the baseline by almost \$4.4 billion over five years.

Nevertheless, the Committee chose to reject the Roberts amendment, on a straight party line vote, cut farm programs, and almost doubled this amendment's increase in food stamp spending. Farmers, who represent less than 2% of the population, are being asked to bear 10% of the discretionary, non-defense cuts.

THE EMERSON AMENDMENT

An amendment was offered in the Agriculture Committee by Congressman Emerson to strike the food stamp expansions included in the Committee's reconciliation package and include instructions to defer the \$7.3 billion in spending until the President submits his welfare reform proposal. The Committee rejected this proposal and chose to spend additional money on the food stamp program now without any attempt to reform the system.

THE BARRETT AMENDMENT

The Committee rejected an amendment offered by Congressman Barrett that would

save money and at the same time reduce some of the paperwork burden that has been placed on farmers since 1985. The Barrett Amendment reinforced the concept adopted by the Committee in the 1985 Farm Bill, that when farmers receive farm program benefits, the taxpayer has the right to demand certain conservation benefits. The converse should be true. When the public withdraws benefits from farmers, the public at that point forfeits the right to tell the farmer how to farm.

Mr. Barrett's amendment (HR 1587) would exempt from conservation compliance regulations that portion of the farmer's farm for which he or she is not receiving Federal Farm Program benefits.

Our current course, reducing farm program spending and ever increasing mandates is heading agricultural policy on a collision course. Economics will dictate that the farmer simply opt out of the farm programs and the entire farm will not have to be in conservation compliance. This would be a catastrophe for our nation's effort to protect the nation's soil and water resources.

The Barrett amendment would have at least provided a minimal regulatory relief and also save money. The Committee rejected the proposal with the intent of further examination of the issues raised by the amendment and we urge the Committee to proceed expeditiously in considering HR 1587.

RURAL ELECTRIFICATION ACT AMENDMENTS

Although an argument could be made that these amendments are an extension of the rural development title of the 1990 Food, Agriculture, Conservation and Trade Act, nonetheless, we believe the Committee has included in a budget package a dramatic policy shift in the delivery of USDA rural development programs. This reorganization of programs and activities may create a more efficient delivery system and a more coherent federal policy apparatus. It is a cause of concern, however, that it has been adopted outside the usual procedural restraints of committee hearings and deliberation. We believe the Administration and rural America should also be concerned over the sweeping changes made to a significant program critical to rural America, without hearings and public comment.

It should be pointed out these REAct amendments achieve only modest savings, about 20% of the savings required by the House Committee on the Budget. These "lost" savings must necessarily be taken from other program functions affecting farmers, ranchers and rural areas. While we believe the Committee certainly has a responsibility to soften the blow to our rural constituents who use electric and phone services. The REAct amendments adopted by the Committee could inadvertently cause undue hardship in the future and may prove unworkable.

Should rates rise above the statutory caps in the Committee amendments, (7% in the municipal rate program for electric and the cost-of-money program for rural telephone companies (telecos), then electric coops and rural telecos could face a situation similar to that of the early 1980s when the electric and telephone revolving fund was in fiscal crisis. At that time, repayments to the revolving fund at low rates were insufficient to service new government borrowings at very high interest rates. In the Committee package, interest rates above the statutory 7% lending rate may mean a restriction on the number of loans made. We are troubled by the possibility rural electric and phone companies could at some time in the future

not be able to fund their capital needs at any interest rate.

FEDERAL CROP INSURANCE

We have similar concerns about the crop insurance proposal that was offered in the Committee markup. With little discussion, no hearings, and no public comment, we are changing a basic risk management tool that producers and lenders currently appear to find increasingly suitable. Our concerns also are based on the experience some of us remember from crop insurance reform deliberations in the 101st Congress.

At that time, Members of this Committee discussed and debated at length two bills with completely different approaches to crop insurance reform. Neither was adopted, but this Committee with no more debate than was entertained during the business meeting of May 13th appears to have agreed in principle to a bill very similar to one that was found unworkable in 1991.

We are concerned we are being asked to undertake a major reform of crop insurance without allowing time for some of the reforms made in the program in 1990 to work. The Committee took steps in 1990 to improve actuarial soundness and to reduce the program's cost. With only two cropping seasons since those changes, adequate time has not been allowed to see if those reforms will reduce costs and improve the program.

In addition, the Federal Crop Insurance program changes adopted by the Committee would eliminate the premium subsidy to farmers who have been responsible risk managers and purchasing crop insurance. Instead the money being used for premium subsidies, plus an additional \$157 Million is spent to provide 35 percent catastrophic coverage to all producers. We question whether this low level of catastrophic coverage is enough and more importantly have concerns over the impact this will have on farmers ability to secure financing from lenders.

Aside from the policy considerations, the problem encountered in 1991 was cost. In 1991, it appeared from all angles that a program similar to the one included in this bill, would cost about \$1.1 billion annually, approximately \$300 million more per year than the baseline. We are concerned the \$157 Million, over five years, the Committee has siphoned off from other agriculture programs to fund this program will be insufficient. We are doubly concerned that the Committee in its haste to seize this opportunity and use this "new" money may adopt a program that was unacceptable a few years ago. There are legitimate policy and budget questions needing answers. While we are not opposed to considering this latest proposal, we would prefer an orderly procedure with balanced hearings and due deliberation.

PEANUT PROGRAM PROVISIONS RELATING TO THE IMPOSITION OF AN INTERIM TARIFF AND A SECTION 22 QUOTA UNDER THE AGRICULTURE ADJUSTMENT ACT

The Committee's recommendations to the Committee on the Budget provides for an additional 2% assessment on peanuts for the 1993 through 1998 crops of peanuts and extends the current (1%) assessment through 1998 to ensure that the peanut program remains a no cost program. The Committee is to be commended for meeting its instructions contained in the Budget Resolution on reductions in direct spending in this farm program, as it did for other farm programs, in a fair and balanced manner. However, section 1109(d) as explained in pertinent part in the section-by-section analysis (located earlier in this report) contained additional amendments relating to the peanut program.

"A second factor contributing to losses in the program is the continued quota-exempt importation of peanut paste and peanut butter. Although the importation of peanuts and peanut products is regulated under Section 22 of the Agricultural Adjustment Act, a 1953 Executive Order signed by President Eisenhower exempts peanut butter from these restrictions. Peanut paste does not have this waiver, but the restrictions on peanut paste imports is not currently enforced by the U.S. Customs Service.

"Similarly, since the ratification of the Canadian Free Trade Agreement (Free-Trade Agreement), imports of peanut butter have increased more than 700%. Canada has a negligible to non-existent peanut production capacity. Most peanuts used to produce peanut butter in Canada are imported from China or Argentina. Transshipped foreign peanuts violate the rule of origin limitations contained in the Free-Trade Agreement. In some instances, the U.S. Government has identified the prohibited use of U.S. additional peanuts re-imported to the United States from Canada in the form of peanut butter or peanut paste.

"The loophole in the peanut restrictions of section 22 of the Agricultural Adjustment Act should be closed. Section 1109 requires that a 55 cents per kilogram tariff be placed on all imported peanut butter and peanut paste. The increased tariff rate will expire on July 31, 1996. At that time, peanut butter and peanut paste will be placed under the existing Section 22 limitations established for peanuts and peanut products."

It is understood that the National Peanut Grower Group has submitted a letter to Secretary Espy earlier this year as allowed, under section 22 of the Agricultural Adjustment Act of 1933, claiming that imports from Canada and Argentina are tending to render ineffective or materially interfere with the Department of Agriculture peanut program. It is also understood that a task force in the Department has been studying this matter and will report its findings to the Secretary in the near future. If the Secretary finds that the imports of peanut products from Canada and/or Argentina are interfering with a loan, purchase, or other USDA program, the Secretary may so advise the President who, if he agrees with the Secretary, may cause an immediate investigation by the International Trade Commission or take other emergency action. Thus, it would appear that the peanut growers are pursuing a course to try to have the President address this problem as is set forth in current law.

It is also recommended that the Subcommittee on Specialty Crops and Natural Resources give consideration of holding hearings on this subject. Furthermore, the Committee on Ways and Means is urged to address this issue in an appropriate manner so as to review the claims made and concerns expressed by the domestic peanut growers.

However, the appropriateness of addressing this matter—at this time and in these legislative recommendations—is questioned based on amendments to the Harmonized Tariff Schedule (see section 1109(d)) that would not appear to be in our jurisdiction.

Mr. Boehner, a Member of the Committee, made a point of order objecting to the consideration of the matters in section 1109(d) during the Committee mark up of its recommendations to the Budget Committee (see excerpt below taken from the transcript of the business meeting):

"Mr. Chairman, I am going to make a point of order to the peanut provisions that are in the outline that were presented. The

Committee, with regard to those peanut provisions, is certainly overstepping our jurisdiction in imposing assessments on manufacturers which, in fact, become a tax. In addition, the increased tariff in the second part of the peanut provision that we've heard explained oversteps the Committee's jurisdiction in increasing the tariff on imported peanut butter and peanut paste. Finally, Mr. Chairman, the third part of that peanut provision relating to section 22 currently covers peanuts and what you are doing is you are adding peanut butter and peanut paste to that section 22. Again, all of these issues are under the jurisdiction of the Committee on Ways and Means and I don't know how we can use these as part of our reconciliation letter."

The Acting Chairman, after some discussion, overruled the point of order and as a result Mr. Boehner proceeded to offer amendments to strike what he considered to be each of the three provisions that he submitted should be deleted from the House recommendations as they related to the peanut program. One of the amendments deleting the assessment on manufacturers who utilize peanuts in processing or manufacturing their product was accepted by unanimous consent and without objection.

Mr. Boehner's amendments to the other two provisions that remain in the Committee's recommendation (section 1109(d)) failed adoption on a "show of hands" vote.

It is believed a better course of action in this matter would have been to avoid a jurisdictional dispute with the Committee on Ways and Means as it relates to this matter. Although there would undoubtedly be some effect on revenue and costs based on the provisions in section 1109(d), apparently no such estimate was provided to the Committee by the Congressional Budget Office based on the jurisdictional confusion surrounding this matter.

It is recommended that in view of all the foregoing circumstances that the provisions of section 1109(d) be deleted.

Mr. Speaker, in summary, it would be one thing if this whole budget package were coming down the pike and prices for farm products were at reasonable levels, but prices were off 10 to 20 percent from last year. Our export picture is in shambles. We do not know about the Russian aid program. We do not know about GATT and NAFTA.

I will repeat again. If we are not successful in attracting more Members on that side of the aisle to defeat this Clinton budget package and it passes both Houses of Congress, we will be back within a year with an emergency farm package and an urgent dire supplemental. We do not need to do it.

Mr. Speaker, I thank my colleagues for their contribution.

Mr. POMBO. Mr. Speaker, as a Member of the freshman class of this Congress, I am proud and honored to represent the people of the 11th District of California here in the House. But before I came to this Chamber, I was a full-time farmer in production agriculture, and to agriculture I will return one day. I have tried to bring that unique perspective with me to the Agriculture Committee.

And, as a farmer, I'm going to tell you that this budget reconciliation is going to be hard to sell back home, especially to our Nation's farmers.

The farmers I know are basic, hardworking, straightforward people. They speak simply and plainly. And the plain, simple truth is that this budget reconciliation package is cutting nearly \$3 billion from farm programs while, at the same time, increasing and expanding the Food Stamp Program by over \$7 billion. Those are the facts. Without the blue smoke and mirrors; without the rhetoric and window dressing, there is the reality that the supporters of this budget need to explain.

For me, it's easy. I voted against the budget reconciliation, and urged my colleagues to do the same. I voted in committee repeatedly to produce a more fair and evenhanded approach for agriculture. Each time the Democrat Party prevailed, leaving this farmer with no alternative but to oppose the final product. I wanted to see a budget that made the needed cuts, but did it in a way that shared the burden, rather than heaping the load ever higher on farmers.

As I said, for me the explanation of my vote is easy. For my Democrat colleagues, however, I can only wish you luck. To those who supported this budget, I want you to go, visit a farmer in your district. Put your foot up on the bumper of his truck, and tell him why the money being cut from crop insurance is better spent by expanding the Food Stamp Program. Or explain to him the equity of the Btu tax, or maybe the justice of the estate tax. I'd like to be there when you try. But let me give you a word of warning: don't do it near a running combine.

Mr. BOEHNER. Mr. Speaker, I take the floor today to discuss the budget reconciliation process and its impact on agriculture.

I am confident that if Americans knew what happened in each of the authorizing committees a few weeks ago, they would be appalled. In one afternoon, the House Agriculture Committee legislated more changes in agricultural policy than we have in the 3 years that I have been here.

Little, if any consideration was given to the overall direction of our agricultural policy. The committee was told to come up with \$2.9 billion in savings—which would be offset by a \$7.3 billion increase in food stamps. Efforts to try to insulate the farmer from these cuts were rebuffed.

Attempts by Mr. ROBERTS and Mr. EMERSON to reduce the amount of the food stamp increase and withhold the \$7.3 billion until the welfare system is reformed, respectively, were rejected on straight party line votes. By rejecting these amendments, the committee preferred to spend now and probably pay more later as well.

MAJOR AMENDMENTS CONSIDERED BY THE HOUSE AGRICULTURE COMMITTEE TO TITLE I OF THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993

1. Amendment by Mr. Roberts—Motion to instruct the Committee; increase food stamp spending by \$4.4 billion and use the savings to meet the \$2.9 billion from program spending cuts.

Explanation: The House passed Budget Resolution instructed the Agriculture Committee to decrease farm program spending by \$2.9 billion and increase food stamp spending by \$7.3 billion over the next 5 years. Essentially the Budget Committee told the Agriculture Committee to adopt the Mickey Leland Hunger Prevention Act.

Mr. Roberts' amendment was rejected by a vote of 17 yeas to 27 nays, recorded as follows:

Yeas: Mr. Roberts, Mr. Emerson, Mr. Gunderson, Mr. Lewis, Mr. Smith, Mr. Combest, Mr. Allard, Mr. Barrett, Mr. Nussle, Mr. Boehner, Mr. Ewing, Mr. Doolittle, Mr. Kingston, Mr. Goodlatte, Mr. Dickey, Mr. Pombo, and Mr. Canady.

Nays: Mr. Brown, Mr. Rose, Mr. English, Mr. Glickman, Mr. Stenholm, Mr. Volkmer, Mr. Penny, Mr. Johnson, Mr. Sarpalius, Ms. Long, Mr. Condit, Mr. Dooley, Mrs. Clayton, Mr. Minge, Mr. Hilliard, Mr. Inslee, Mr. Barlow, Mr. Pomeroy, Mr. Holden, Mr. McKinney, Mr. Baesler, Mrs. Thurman, Mr. Bishop, Mr. Thompson, Mr. Williams, Ms. Lambert, and Mr. Peterson.

2. Amendment by Mr. Emerson—deferred the \$7.3 billion in additional food stamp spending until Congress worked on and adopted welfare reform.

Explanation: Mr. Emerson argued that we shouldn't spend this additional money until the President submits a welfare reform package and the Congress has addressed the problem. The taxpayer could be better served by using some of the increased spending for training and employment programs.

Mr. Emerson's amendment was rejected by a vote of 19 yeas to 25 nays, recorded as follows:

Yeas: Mr. Minge, Mr. Baesler, Mr. Roberts, Mr. Emerson, Mr. Gunderson, Mr. Lewis, Mr. Smith, Mr. Combest, Mr. Allard, Mr. Barrett, Mr. Nussle, Mr. Boehner, Mr. Ewing, Mr. Doolittle, Mr. Kingston, Mr. Goodlatte, Mr. Dickey, Mr. Pombo, and Mr. Canady.

Nays: Mr. Brown, Mr. Rose, Mr. English, Mr. Glickman, Mr. Stenholm, Mr. Volkmer, Mr. Penny, Mr. Johnson, Mr. Sarpalius, Ms. Long, Mr. Condit, Mr. Peterson, Mr. Dooley, Mrs. Clayton, Mr. Hilliard, Mr. Inslee, Mr. Barlow, Mr. Pomeroy, Mr. Holden, Ms. McKinney, Mrs. Thurman, Mr. Bishop, Mr. Thompson, Mr. Williams, and Ms. Lambert.

The Committee reported the Reconciliation package by a roll call vote of 26 yeas and 18 nays, recorded as follows:

Yeas: Mr. Brown, Mr. Rose, Mr. English, Mr. Glickman, Mr. Stenholm, Mr. Penny, Mr. Johnson, Mr. Sarpalius, Ms. Long, Mr. Condit, Mr. Peterson, Mr. Dooley, Mrs. Clayton, Mr. Hilliard, Mr. Inslee, Mr. Barlow, Mr. Pomeroy, Mr. Holden, Ms. McKinney, Mr. Baesler, Mrs. Thurman, Mr. Bishop, Mr. Thompson, Mr. Williams, Ms. Lambert, and Mr. Volkmer.

Nays: Mr. Minge, Mr. Roberts, Mr. Emerson, Mr. Gunderson, Mr. Lewis, Mr. Smith, Mr. Combest, Mr. Allard, Mr. Barrett, Mr. Nussle, Mr. Boehner, Mr. Ewing, Mr. Doolittle, Mr. Kingston, Mr. Goodlatte, Mr. Dickey, Mr. Pombo, and Mr. Canady.

These votes, when coupled with several other actions taken by the committee point out the need for serious controls on Federal spending. Increasing food stamp funding while reducing farm programs is not good policy. Nor is it consistent with a real commitment to deficit reduction.

The food stamp fiasco is just one of the antics that happened during the committee's consideration of the reconciliation package.

In addition, the committee included language on several provisions outside the committee's jurisdiction, and made several major policy changes based on nothing more than brief summaries. Such changes were made to the peanut program, the Rural Electrification Act, and the Federal crop insurance.

With regard to the peanut program, I made several attempts to strike certain objectionable

provisions from the package, however they were defeated along party line votes—even though they were clearly outside our jurisdiction. These provisions will have the effect of raising the price the consumer will have to pay for peanut butter. I find it kind of ironic that Congress would increase the funding for food stamps and increase the price of peanut butter at the same time.

These changes were not just minor or technical in nature. They put forth major changes in the operation of these programs. These actions were taken with little discussion, no hearings, and no public input. Hardly the way the democratic process is supposed to work.

Like many of my colleagues, I am committed to working for true deficit reduction. This package does not even come close to reducing the deficit. It is just another way to ensure that the pet programs of the majority are fully funded while asking the hard-working people of the Eighth District of Ohio for more of their hard-earned money.

If the savings found went to actual deficit reduction, I would have no problem with this package. However, we all know that these so-called savings will not go to reducing the deficit. Just like all the previous tax increases, these additional savings will only go to fund more Federal programs.

There is no doubt that the administration's proposals increase taxes by over \$3 for every \$1 in spending cuts. No one can refer to that as a real deficit reduction effort.

The reconciliation package we will consider later this week raises everyone's taxes without providing any long-term entitlement restraint. Ohioans who had hoped that the budget reconciliation process would begin cutting the deficit should be outraged.

Mr. EMERSON. Mr. Speaker, this body will soon deliberate and vote on a measure that will cause certain economic harm on American agriculture, many rural communities, and local jobs across the country. Clearly, this Nation's agricultural livelihood will soon suffer potential economic catastrophe as a result of the Omnibus Budget Reconciliation Act of 1993, if enacted. This issue is a timely one—particularly given all that our local farming communities have at stake under the President's budget recommendations.

Frankly, I am deeply concerned by the components of the President's economic plan—specifically the proposed Btu energy tax and the barge fuel tax or inland waterway user fee. I am also disturbed by the impact of the proposed budget cuts on production agriculture and related jobs. Unfortunately, it appears the narrow margin of profit on a bushel of corn, acre of soybeans, bale of cotton, or pound of pork or beef will get slimmer yet. The President's proposed tax increases and budget cuts will undoubtedly hit farmers where it hurts the worst—the bottom line.

We have proved to the rest of this Nation that American agriculture is willing to pull its share of the deficit reduction load. However, I now fear that the President's economic plan sacrifices the economic health of our rural towns and communities to pay for increased spending in other areas of the Federal budget.

Certainly, an increase in taxes will have a tremendous negative effect on this Nation's hard-working farmers and local agri-busi-

nesses. For example, this budget plan will increase barge fuel taxes by 250 percent, from \$0.19 to nearly \$0.70 per gallon. This tax increase will decimate the domestic barge industry which is so critical to farm producers in the Mississippi Delta region along with producers throughout the Midwest and South.

Equally important, the increased costs of the inland waterways fuel tax cannot be passed on to the end purchaser in foreign ports. Rather, the lion's share of the tax will be passed on to the local farmer in the form of lower prices for grain at the farm gate. By unfairly singling out this industry so vital to our Nation's transportation network, the new administration is prescribing a serious blow to the viability of American agriculture and local jobs.

This tax coupled with the Btu energy tax could easily cost more jobs in the agricultural arena than the package purportedly intends to create. Unfortunately, increased fuel costs through higher taxes on gasoline, diesel fuel, and propane on the rural consumer are just the beginning. Fertilizer, pesticides, herbicides, machinery, and even the tires on farm equipment will cost farm producers more through this energy tax proposition. Drying, ginning, and grain storage costs along with transportation and electricity expenses will also go up.

The local banker and farm credit office must also be considered. The reduced profitability of farming through increased taxes, higher costs, more paperwork, and added Government regulations will make the trip to the local banker more difficult than ever.

Adding another tax burden on the shoulders of farm producers and related farm industries won't balance the budget—it will only make a bad situation worse. Greater tax burdens—particularly in the nature of an energy tax—only rob from those hard-working men and women who spend their lives providing the food and fiber for the people of this Nation.

Mr. Speaker, less Government spending is the answer—but it must be applied equitably and fairly. We must not and cannot balance the budget on the backs of the American farm producer. Clearly, this is one budget plan that we in rural America cannot afford.

Mr. GUNDERSON. Mr. Speaker, I join my colleagues today in speaking out against the reconciliation package which is presented for our consideration. It is simply incomprehensible how this administration can ask the agricultural sector of our economy, which gets only seven-tenths of one percent of all Federal dollars, to make 3½ percent of all of cuts its budget calls for.

The whole reconciliation debate this week is going to be about fairness, Mr. Speaker, not partisanship. During that debate, a lot of tough questions are going to be asked about the fairness of this reconciliation package. And the first question on my list is, Is it fair to make hard-working American farmers take five times their share of budget cuts? The answer, Mr. Speaker, is a resounding "no!"

You know, every dollar we cut out of Function 350 is at least a dollar out of farmers' pockets around the country. And, quite frankly, farmers just might be willing to collectively give up \$2.95 billion of income in the upcoming 5 years if they could be assured that their sacrifice would result in genuine deficit reduction. Unfortunately, Mr. Speaker, it won't.

By the Clinton administration's own figures, their budget will result in a 4-year budget deficit of \$1,290 billion—that's \$144 billion more than the entire deficit of the Bush administration, \$467 billion more than the second Reagan administration, and a whopping \$702 billion more than the first Reagan administration. Is it fair to ask farmers to forgo \$2.95 billion in income so that we can still have the largest 4-year deficit in our country's history? Again, Mr. Speaker, the answer is a resounding "no!"

Which, of course, leads us to the question of the hour—that is, if we're making all of these cuts and raising all of these new taxes, why is the Clinton administration running the single largest 4-year deficit in American history? One simply has to look at the reconciliation instructions provided to the House Agriculture Committee to find that answer.

Unbelievable as it seems, at the same time the committee has been instructed to take \$2.95 billion of income out of farmers' pockets, it has also been ordered to increase spending on the Food Stamp Program by \$7.3 billion. One would naturally assume that the justification for an increase of that size would have to be there are people who qualify for food stamps who aren't getting them currently and we need to increase spending on the program to accommodate these individuals.

Not so. The Food Stamp Program is an entitlement program and, as that title suggests, everyone who is eligible to receive food stamps does, indeed, get them. Instead, this \$7.3 billion is earmarked to fund various reforms in the program contained in the yet-unpassed Mickey Leland hunger legislation.

So, as you can see, the \$2.95 billion coming from farmer program cuts is not being used for deficit reduction purposes but is, rather, being directly diverted to new spending on programs such as food stamps. What makes this so onerous is that the Mickey Leland bill—as introduced by Budget Director, then Congressman, Panetta last year—has specific language which provides that "none of the provisions of this act shall become effective unless the costs are fully offset in each fiscal year through fiscal year 1996. No agricultural price or income support program administered through the Commodity Credit Corporation under the Agricultural Act of 1949 may be reduced to achieve that offset."

Listen to that last sentence one more time, Mr. Speaker: "No agricultural price or income support program administered through the Commodity Credit Corporation under the Agricultural Act of 1949 may be reduced to achieve that offset." But that's exactly what this reconciliation package does here today—it takes \$2.95 billion of farmer income and reprograms it to the Food Stamp Program. Is that fair, Mr. Speaker? Again, the answer is a resounding "no!"

Instead of rolling over and playing dead on this issue, we ought to stand up to this administration and say "that's not fair and we're not going to let you make this trade-off." And that's exactly what we tried to do in the Agriculture Committee with the Roberts amendment which would have allowed \$4.4 billion of increases in the Food Stamp Program, but would have refused to make the \$2.95 billion in farmer program cuts needed to fund the re-

mainder of the changes requested in the Food Stamp Program. Unfortunately, that amendment was defeated on a party-line vote.

If we're going to take income directly out of the pockets of American farmers, the least we can do is use it for deficit reduction. That's why I and several other members of the Agriculture Committee have called for the establishment of a second trust fund into which savings from current program cuts can be placed for the sole purpose of deficit reduction rather than to fund spending increases on select programs. Short of that, Mr. Speaker, I don't see any way that a Member of this House can go back to his/her farmer constituents and explain why \$2.95 billion of their money has been taken out of their pockets.

Take my dairy producers for example. In the name of deficit reduction, we have cut Federal outlays on the Dairy Price Support Program from a yearly high of \$2.6 billion in fiscal year 1983 to a projected average annual cost of \$275 million over the next 5 fiscal years. Clearly, dairy farmers have done their part in the war against the deficit.

Yet, the dairy program is now expected to take another cut of about \$50 million per year over the next 5 years as part of this reconciliation package. Is it fair for dairy producers, who have already reduced annual expenditures on their program by 90 percent in the last decade, to be asked to take \$250 million out of their pockets simply to fund increased spending on food stamps? There is no doubt that the answer to that question is "no" and I will not support any package that requires them to do that.

Such funding reductions are particularly unfair in light of the new energy taxes that dairy producers will have to pay when President Clinton's Btu tax kicks in. This tax hits farmers disproportionately, all day and every day, directly and indirectly, gas, diesel, electricity, fertilizer, herbicides, pesticides, hauling prices, and processing fees to name just a few. Those of us who represent agriculture know that for every dollar of direct on-farm energy expense there's another dollar of indirect energy costs.

Economists for the National Milk Producers Federation originally estimated that the Clinton Btu tax would cost the small dairy farmer with 50 cows between \$575 and \$625 annually while the large operator with 500 cows would pay between \$5,750 and \$6,250 in new energy taxes.

With the very limited exception granted on diesel fuel, the small dairy farmer with 50 cows will still be paying between \$445 and \$520 in Btu taxes while the large operator with 500 cows would still pay between \$4,450 and \$5,200 annually for the privilege of using electricity and fossil fuels on his/her farm.

These additional farmer taxes are not only unfair when considered in conjunction with the cuts in Federal farm programs, but regressive as well because they hit disproportionately on farmers, low income families, and rural Americans. The Btu tax is also bad economic policy because, in a time of a fragile economy when we ought to be stimulating rather than discouraging investment, it taxes the one thing that touches virtually every aspect of our economic lives—energy. In the process, it hurts everyone—working families, small businesses, industry, and—most significantly—farmers.

As I stated in the opening of my remarks, Mr. Speaker, the question before us is one of fairness of the administration's budget and the House Budget Committee's reconciliation package. First of all, it is unfair to force a disproportionate share of cuts on one sector of the economy. Second, it is inequitable to go after a farm program that has already reduced its outlays 90 percent over the past decade in the name of deficit reduction. Third, it is unfair to impose a new, highly regressive tax on the individuals who have already had their Federal programs cut disproportionately. And finally, it is fundamentally unfair to take the savings associated with those cuts and the revenues received from those new taxes and channel these funds to new spending on food stamps and whatever else rather than using this money for deficit reduction.

I, for one, vigorously oppose this reconciliation package because of its inequitable impact on rural America. We need to stand up to this administration, Mr. Speaker, and insist on fairness. We should accept nothing less.

Mr. SKEEN. Mr. Speaker, I appreciate the efforts made by Mr. ROBERTS, the ranking member of the Committee on Agriculture, in securing this time to address the effects of the Budget Reconciliation Act on this country's most endangered species: The American farmer. Some have made the argument that the President doesn't need to worry about agriculture because agriculture makes up only 2 percent of the population. However, this small percentage of the population brings a positive balance to our trade deficit, out produces any other nation, and provides the American public with a bountiful supply of food at low prices.

Agriculture needs more champions, like KIKA DE LA GARZA and PAT ROBERTS, the chairman and ranking member of the Agriculture Committee. As members of the Agriculture Appropriations Subcommittee, our responsibility is to work toward directing the spending for some of this country's vital programs dealing with agriculture, rural development, and nutrition programs. However, we have jurisdiction only for discretionary spending which comprises no more than 30 percent of the bill. Over 70 percent of the bill is made up of mandatory programs, such as food stamps, the School Lunch Program, and the Commodity Credit Corporation which are off limits.

If we are ever going to get a hold of this budget deficit crisis, we must be willing to grapple with the fact that these mandatory spending programs are inflating out of control. And it is going to take leadership from the President to urge Congress and the authorizing committees to break this gridlock by controlling mandatory programs. Otherwise Congress will continue to increase these programs in an irresponsible manner, as we are witnessing in the agriculture section of the budget reconciliation bill.

Let us remember agriculture anted up over \$57 billion in cuts in the 1990 farm bill and now is being asked to sustain cuts of \$2.95 billion from the USDA budget, further jeopardizing farm income. These are the same farmers who are already suffering from weak grain and commodity prices. At the same time, this plan would increase spending on food stamps by \$7.3 billion over the same 5-year period.

I do not have anything against increasing the level of spending for food stamps, but it

should not be done at the expense of the farmer. In fact, the Food Stamp Program has many inherent problems associated with fraud and abuse. When the inspector general testified at a hearing earlier this year, he mentioned that the Food Stamp Program is a very high-risk program which is costing this Nation millions of dollars due to fraud and abuse. Our committee is committed to working with USDA to remedy these abuses, but we need some more time.

We are exploring some very creative solutions, and given enough time to fully implement them nationwide, we can save millions of dollars. For instance, one of the most promising pilot programs is the Electronic Benefits Transfer Program being tested in the State of Maryland. A complete and thorough evaluation will be conducted, and if warranted, I suggest that this program be extended to other States with large occurrences of fraud and abuse. To throw another \$7.3 billion at this program before we address these problems of abuse is an abuse in and of itself.

I'm further disturbed with the Btu tax proposal which singles out the farmer whose energy consumption is the basis of all production. It has been estimated that the farmer can be expected to pay from \$1,000 to \$4,000 each year in additional taxes attributable to the Btu tax. To make matters worse almost \$40 billion in new spending for food stamps, the earned income tax credit, and low income energy assistance is needed to offset the harm done by this new tax. The farmer pays a disproportionate amount of the Btu tax, and then is also asked to bear the consequences of increased spending for the Food Stamps Program.

Farmers have paid more than their share toward reducing the debt over the last decade. It is unfair to ask them now to make another major sacrifice for a plan which makes very little progress on the deficit. Raising \$3.23 in taxes for every \$1 in spending cuts over 5 years is not going to address our huge deficit problems. We can do better.

Again, I commend Mr. ROBERTS for giving this issue the heightened awareness that it deserves. I look forward to working with him and the chairman of the agriculture committee to protect the most endangered species of all: The American farmer.

THE IMPACT OF THE PRESIDENT'S BUDGET PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. KOPETSKI] is recognized for 60 minutes.

Mr. KOPETSKI. Mr. Speaker, I know the hour is late and I will be somewhat brief.

Before I start my regular presentation, though, I want to respond to some of the comments made about the impact of the President's proposal on the agriculture community.

I had the great honor and pleasure to serve with the gentleman from Kansas [Mr. ROBERTS] on the Agriculture Committee in the last session of Congress. Clearly, the House is much better with the voice of the gentleman from Kan-

sas [Mr. ROBERTS] here. Clearly, agriculture is well served by his voice and advocacy in the House.

Many times we agree on many issues facing the farm families of America and the agricultural sector of this country. After all, it is one of those areas in my district, for example, that helps the balance of payments. We export a lot of products overseas. These are good businesses. They are involved in the domestic economy as well as very fierce international economy as well.

So I want to take a moment to talk about some of the items that are in the President's tax package for the American farmer.

The bill does allow small farmers to expense \$25,000 of their depreciable assets, instead of the current law provision of only \$10,000.

This allows farmers to buy another truck, help make the downpayment on a new tractor. The effect of that economically is to help stimulate the economy this year.

The bill does exempt farm use of energy from the extra supplemental energy tax, thus limiting the tax on farm uses of energy to the lower basic rate.

And yes, as was discussed this evening, there was a tradeoff from the subsidy, the roughly \$500 million subsidy that was going to the ethanol manufacturers and using that \$500 million in exchange for helping all farmers in our country.

Why is that? Why do I say it helps all farmers in this country? Because the farmers that benefited from the \$500 million ethanol subsidy are mainly in the Midwest.

I think a lot of the opposition to the exchange is coming from those Members who are representing their own backyards.

So we took them, as we serve on the Ways and Means Committee, we had a healthy debate on this issue, and we thought that it was fair to agriculture, in America, to spread this \$500 million throughout America by exempting all of agriculture from the extra supplemental energy tax.

In addition, those of us who are spokesmen and spokeswomen for the agriculture community did argue with the White House and other Members, quite frankly, from the urban areas about reducing the President's proposed inland waterways tax. The President proposed an additional dollar increase per gallon on waterway fuel uses. We were successful in getting that tax reduced by 50 cents per gallon.

There is a debate that the American public should know, that as other modes of transportation that do compete against waterways, waterway traffickers, such as the railroad industry and the trucking industry argued, that it is unfair to us, for us to pay a little bit more in the energy tax and exempt fully those who use the inland waterways.

□ 2240

Perhaps looking to success with the President's bill, perhaps the Senate may look a little more closely at the waterway provision and do a further reduction. But I do not think it is fair to propose that we would see complete elimination, nor should we see complete elimination of the President's proposed increase.

Remember that the President has talked about fairness, fairness across the board for all Americans, to help with his deficit reduction package, and that is what we are talking about here.

The bill also in terms of helping farmers, simplifies rules for filing estimated taxes. This will be especially helpful to farmers as it is difficult sometimes to predict what their incomes will be from 1 year to the next, and it would be unfair to penalize them if they did not correctly estimate the amount of taxes owed. And, therefore, we have gone to a much more simple procedure of collecting estimated taxes.

Also we have to keep in mind that, as long as we are involved in deficit reduction, that this is going to help farmers at the bank when they go to borrow money because deficit reduction is directly linked to the interest rates charged by the financial institutions, and, if we do not get control of this Federal deficit, as the President has urged, then we will see a rise in the interest rates, and that will be felt by every American, especially our farm folks who have to go to the financial institutions to obtain the money necessary to plant their crops and to harvest their crops as well.

So, I wanted to take just a few moments of time to talk about the good that is in the President's bill, that there are people on this side of the aisle who are very sensitive to the agriculture sector, and we tried to mitigate, as fairly as possible and as much as possible, some of the impact of the tax increases.

I do want to talk a little bit more about the problems facing America and why the President has taken the leadership role that he has. He recognized that, after 12 years of profligate spending, that the United States must get its economic house in order, that we saw from 1980 to 1992 a growth in the Federal debt from \$1 trillion, \$1 trillion, up to now \$4 trillion. Just in a 12-year timespan we have quadrupled the debt, so we cannot let business continue as usual in this country.

The other problem, in addition to the Federal debt and the Federal deficit that we face, that we are trying to address here in the President's plan, is the fact that we have a stagnant economy, and we have a recovery out of a recession that is not producing the number of jobs that recoveries in previous recessions created at this time in a recovery. And especially the good-

paying jobs whereby people can pay their mortgage or buy their first home, a job where there is a health care benefit, where there is a pension plan and some vacation time for the family. And I think all economists agree that the tools that we used to have to fight a stagnant economy do not exist today because of the huge Federal deficit, and I think that many, if not all, would also agree that, if we cut too much out of the Federal budget and in the wrong places, we will hurt economic growth.

Obviously, the best example is our highway system. We have to maintain it to conduct commerce in this country. We have to expand it as the economy expands as well. Highways are essential to moving commerce in this country. The same is true with our airports, as we know, and on the human service side it would be painful, painful, to ask the widow, American widow in this country whose only income is the \$400 a month Social Security check. Now that is an entitlement payment that she has earned, and there are many people in my district, too many, whose only source of income in their retirement years is that monthly Social Security check.

So, Mr. Speaker, we understand that we are in a very difficult situation economically, and with respect to human services, and that makes our task much more difficult, and we strive to make these Solomon-like decisions. The President in just his first few months of office has asked us all to make a very difficult decision, to, yes, cut spending, and I am going to talk about that, reducing the deficit. But he has also said we are going to have to raise some revenue if we truly—if we want to truly bring about true deficit reduction. So, that is why we have the plan before us. I think we have to step back and look at this overall big picture before we even look at the individual items that are being asked of people and entities that are being asked to pay their fair share of this burden.

So, I think that, if we take just a moment to talk about the spending cuts, it is very important because there is a lot of rhetoric on this floor in the past few days that Americans are writing in to all of us and saying, "Cut spending first," and the fact is we are cutting spending at the same time that we are raising revenue. That is why we call this the reconciliation bill, or piece of legislation, because we are reconciling our budget with the revenues, and so we are doing it both at the same time. And those who will be direct and honest with their constituents back home will explain to them this reconciliation process.

President Clinton this morning made an interesting observation to a group of us when he talked about the spending cut issue, and he said that many of the liberals in the Congress agreed, reluctantly agreed, to spending cuts, and

so there was not the controversy nationally in the press, for a few days even, let alone a few weeks, and even a month, about the spending cuts and the ramifications it would have for individuals in our society, whether they be elderly, on Medicare, whether they be a young child in need of health care or a student who is going down to get a school loan so that they can meet that college tuition requirement. This is going to happen as a result of cuts that were agreed upon without much controversy, at least, in the public. The President observed that, as a result of that, we did not have the national education that is sometimes necessary to show the public that, yes, we are cutting spending and we are cutting spending first. Those decisions were made prior to the Ways and Means Committee taking up the President's tax plan. The revenues and the tax plan come together in this reconciliation process.

Let me articulate specifically some of the spending cuts: The plan, the President's plan, gives over 30 specific cuts in Medicare and Medicaid that will reduce the deficit, reduce the deficit by \$56 billion. Yes, as we heard earlier this evening, agriculture entitlements will be cut by \$3 billion. Federal worker entitlements are cut by \$11 billion. There is a pay reduction in this for Federal employees in the amount of \$13.2 billion. Administrative cuts, \$11 billion. Cutting 100,000 Federal workers out of the system saves \$10.2 billion. Agriculture administrative cuts will save another \$1.1 billion. Consolidating overseas broadcasting services saves \$894 million. Streamlining education programs saves \$2.2 billion. Dozens of highway demonstration projects will save a billion dollars. We will eliminate certain special purpose HUD grants, tens of NOAA or National Oceanographic and Atmospheric Administration demonstration projects will be cut out of the budget.

□ 2250

Certain earmarked Small Business Administration grants are going to be eliminated, and unnecessary Government commissions are going to be told they no longer exist. These are specific items, specific cuts that the President has proposed and that the House has included in this budget reconciliation piece of legislation.

But there is the other side as well. There is the tax revenue increases. And it is difficult. The majority leader earlier this evening talked about how he hated taxes and he wished he did not have to pay any of them.

I have found in my short few days on the Committee on Ways and Means that it is always easier to tax the other guy. Find somebody else to tax.

Oh, yes, we have got to reduce the deficit. Oh, yes, let us raise some revenue to do it, as long as we cut spend-

ing. But tax the other guy. That is the message I kept hearing over and over again from the special interests that come before this committee.

So I think what we need to do as Americans is say OK, if we are going to have this tax increase, what do we buy for America with these tax increases?

No 1, and most important of all, is we buy deficit reduction. Our national security is threatened by the fact that we, the United States, are deeply in debt, in essence to other nations.

I think that today, 1993, the greatest single threat to our national security is our national deficit. Just as in World War II we had to take drastic measures, so too in 1993 must we take drastic and dramatic measures to eliminate this national security threat.

Second, deficit reduction means interest rates remain low, and hopefully can go even lower. I can tick off four reasons why deficit reduction, interest rates staying low, if not going lower, puts money back into Americans' pockets. Many are refinancing their homes today so that they are paying lower interest rates on their home mortgages, and this means more money in the pocketbook. It also means they are going to own their home at an earlier time. It also means that many Americans now can afford to buy their first home, so important to the American dream and our way of life.

Third, lower business loans. I mentioned that about our farmers, but all businesses in this country, when they go to the bank, whether it is the retail store that finances their inventory to the large corporation, lower loan rates mean a cost savings to businesses.

Fourth, our local governments will pay less interest money for the bonds they borrow to finance the new school building or the city that needs a new water treatment facility. It means a lower interest payment, and that should mean a lower property tax as that is the usual means to finance these local government bonds.

So there is a savings. There is a savings. There is money into the pockets if we do obtain deficit reduction, and you do that in part through these tax increases.

We also listened to the President when he said not only do we need to reduce the deficit, we also need to provide some investment incentives at the same time so that we can stimulate the economy in such a way that we are producing more jobs and more good paying jobs, and we have to have the business incentives to do that. So we are raising approximately \$35 billion more to pay for these big investment incentives.

What are they? Let me list them off. Targeted capital gains exclusion, \$1 billion. Is it as broad as I would like to see? No, but it does cost the Treasury, it does cost our budget dollars in the

short run, and we came up with \$1 billion for a targeted capital gains exclusion.

We have increased the incentives for real estate investment. This will cost the Treasury in the short run \$5 billion. But I think it will stimulate the housing market and the real estate communities as well, which will produce many more jobs.

We also increased the expensing for small businesses from \$10,000 to \$25,000. It helps every small business in this country. It is easily understood. It does not take an accountant or a tax lawyer to figure that out. Every small business person in this country understands it. But it also comes with a price tag to the Federal Treasury, and that price tag is \$8 billion.

We are increasing the research and development incentives for so many companies and industries in this Nation so that we will be competitive in an international economy. That has a price tag of \$13 billion. If we are not encouraging our corporations to invest in research and development, how can we compete against the Germans and the Japanese in this high-technology world?

So obviously this costs money. So that is why I say we are raising a little bit more than what we need in terms of our deficit reduction targets in order to help stimulate the economy as well.

We also modified the alternative minimum tax depreciation schedule so that we can help any of those very capital intensive industries with the problems that we have in this technical tax called the AMT that comes with a price tag of \$8 billion.

These business incentives add up to \$35 billion. We think, we believe, I agree with the President, that it is necessary to help the economy keep moving and to provide more jobs, which will help reduce the deficit further, if you will, in two ways. First, there will be less people having to turn to the welfare program; and, second, we will have more revenues in order to reduce that deficit spending.

So, as I said at the outset, we have to keep the big picture in mind. We have the deficit, and we have a sluggish economy without the kinds of jobs that are necessary.

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

Mr. KOPETSKI. I yield to the gentleman from Florida.

Ms. THURMAN. Mr. Speaker, before the gentleman goes on, I know during the campaign there was a lot of conversation that went on about foreign companies participating in the United States. Maybe the gentleman can expand on this, because he touched on it a little bit on the research and development within the United States.

I believe there is a provision in here under the foreign tax for an American company that actually develops here,

researches here, but actually does production. There is now an incentive here to keep the production in the United States versus taking it overseas.

Mr. KOPETSKI. The gentlewoman is correct, that there is a provision to capture some of the moneys. I think what she is referring to is what is known as the deferral tax. Those corporations that defer their tax payments of moneys earned overseas, when they bring their dollars home, how much of it and what rate and how should it be taxed?

The President made that part of his campaign. He put that in his stimulus package.

What we are asking those international corporations is to pay a little bit fairer share of the moneys that they do earn overseas and bring home to the United States. So that has been taken care of as well.

Ms. THURMAN. If the gentleman would yield further, one of the things that I heard during the energy tax debate was that this is not just for deficit reduction, but it is kind of a rethinking for the country of how we are going to deal with sources of energy and what we need to be doing for our future that might not only affect us in what I might consider development of alternative sources, but also in helping with another deficit that we have not talked much about here, which is a trade deficit.

□ 2300

One of the things that I have watched over the years, probably back as far as the 1970's, the United States was like No. 1 in solar energy, which was one of our big products. We are now seventh in the world in production of solar energy.

It would seem to me, with some of the tax credits that you are talking about, with businesses for investment and incentives back here in this country, that this is also a time that they might be looking at building new businesses, such as solar energy to, in fact, offset some of the Btu tax. And if we got a little creative with this and then also used the tax incentives that were available to us, that we might see some new production, lots of good things coming out of this, if we look at it in the right light.

Mr. KOPETSKI. You are absolutely right. I think you make a very valid point about the energy tax and providing incentives to move more toward alternative energy rather than being a nation dependent on foreign oil.

Clearly, the Btu tax was heavily debated in committee, and it has been heavily debated on the floor.

I should say, it raises \$70 billion out of about \$350 billion of revenue or tax increases; \$70 billion of that is from the energy tax.

What is not taxed is very important. Alternative energy, solar and wind, is

exempt from the tax. So there is a tax incentive to invest in those kinds of technologies.

Cogeneration, energy that is produced from cogeneration, an energy waste today, but if you can harness that and use that steam plant that is maybe producing paper to also cogenerate electricity to run the factory, that energy produced is not taxed.

So there is more incentive, incentives for industries, especially our energy-intensive industries, companies, to move into this direction.

In addition, the biomass, conversion of biomass into energy is exempt from the tax as well. So we have now in place as part of energy policy an incentive to go in those much more benign and energy-efficient ways of producing, generating energy.

In addition, we try to reconcile the fact that different regions of this country rely on different sources of energy for transportation or home heating or electricity for their homes, whether used for air-conditioning or on the stove or the heating system. So if Americans stop and think about it, the Northeast is different from the Northwest, which is different from the Southeast and the Southwest. We each have energy which comes from different sources.

We may have a major source, such as nuclear power in the Midwest, or also use some coal, where out in the Northwest we use a lot of hydro and some coal.

How do you bring fairness nationally to this energy tax is a very difficult question. Compromise was made, and we did that. But the fact is, we are asking everybody to pay a little bit more, not everybody, I will get to that, because of the earned income tax credit, but we are asking a lot of Americans to pay.

This is a tax also that people can have some control over, because if they are using energy conservation devices in their home, wrapping the water heater, wrapping the hot water pipes, putting plastic over the windows in the wintertime and storm windows, and those kinds of things, that is going to save them on their energy tax bill. And that is good energy policy for this country, because as you well know, we are a nation that, once again, is over 50 percent dependent on foreign oil.

Mrs. THURMAN. I can relate another issue for you. In fact, in a townhall meeting that I had, there was some conversation about the Btu tax. And I suggested to them, being from Florida, or any place within the Southeast or the Southwest or any of those areas, that what we had looked at was in solar energy, if they just did one thing in their houses and that was to install a water heater, they could save as much as a third of their energy bill.

Now, a third of an energy bill, say, even a minimum bill of \$90 is \$30 that

they could save. The figures that I have seen is that somebody over 40,000 or under 40,000 is about \$10 a month. First, they have paid for whatever the increase might have been in their home heating anyway, and they probably, with over a 2-year period of time, would have paid for the installation of the solar energy heater, because they are about \$700 and coming down.

So it seems to me that those are the kinds of things we need to be talking about. They generate jobs, and yet they also give us some other alternatives to some of our other problems.

Mr. KOPETSKI. You are absolutely correct. The technologies are there.

It is not like we are waiting for a new technology to come along.

You go to other countries in the world, Israel, for example, they use a solar hot water heating device. There is no reason why we cannot be doing that in our sunshine belt in this country as well, and we ought to be doing it. There is a tax incentive to have it occur. I think it will occur.

So I thank the gentlewoman from Florida about those questions. They are clearly right on point. These are difficult decisions. It is difficult policy-making.

I think that if the American people, yes, we are all afraid of taxes; yes, we are afraid of the impact of some of the spending cuts that will occur, but I also hear from my constituents that say, we have got to balance our budget. We have got to get our economic house in order.

That is what this plan does. It is the most well-thought-through and thorough plan that is before the House. I do not think this is something that can wait. I think the House has got to move.

I have some charts I do want to close with, but before that, I want to yield to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Speaker, I appreciate the gentleman recognizing me. I also appreciate the service that he has put to the American people and for the American people on the Committee on Ways and Means. And in my talk earlier, we talked about the status of America's children.

Can you tell me what is in this reconciliation bill that will assist our children in at least not being able or not suffering from the preventable diseases of childhood?

Mr. KOPETSKI. I think that is an area of interest to a lot of Members.

We heard earlier this evening about some of the staggering statistics that you outlined in terms of this country and diseases that should not exist in the most powerful Nation on Earth, the wealthiest Nation on Earth, and yet we see, because we are not spending money on immunization, we see this vast increase in these diseases.

So what we are doing in this program is guaranteeing to every American

child the right to an immunization. It is very simple.

These children cannot make that decision for themselves. And at a national level, we are saying, it is so important to them as individuals that we are going to spend the money, close to \$2 billion, to ensure that happens.

Now, there is some criticism for the fact that we are also paying for the very wealthy in this country's children. Well, let us examine that a little bit.

I think the argument is made because of the fact that if a person does have a health insurance plan that the health insurance plan does not include immunizations, we will pay for it.

Another approach, therefore, would be at a national level to mandate that every insurance company include as a mandate immunization for children.

What the health care people will tell you, number one, we hate mandates, and they fight them in every State legislature. They fight it in the Halls of Congress, even a program as worthy as this.

And second, if you do mandate it, we will raise the cost to every policyholder in this country. There is no free lunch with the health care industry, believe me. They have a very powerful lobby.

The other example, the other reason given why we should not provide this to people is because there is a lot of working people that make \$30,000 a year, but they do have a health insurance program, but it is not covered in the plan, or they are working and they may not have health care coverage.

□ 2310

I think this is a very instructive statistic. Three-fourths of the people in the United States who are not covered by a health care plan are people in a family where one of the people is working, so these folks do not even have insurance coverage, let alone insurance coverage that includes the immunization program coverage.

Finally we talk about the super-wealthy in this country. I cannot imagine their not having a decent health care package that includes immunization programs, but maybe they are self-insured. Maybe they are, and maybe we would be paying for those people's children. My thought about that is yes, I guess we could set up a huge Federal bureaucracy to means test the children's parents to find out if they did hit that means level or not, and hire lots of bureaucrats and set up all kinds of means testing regulations, or we could just say:

Look, in this area children are the most important clients. We are going to spend the money on the child, regardless of how responsible or irresponsible that parent is.

What is the benefit to society, besides helping the children in our society? We know that it is going to save

us health care dollars as a Federal Government, so we are going to get this money back tenfold, I am willing to bet, because we have taken care of these diseases before they ever came into existence in a child's body.

Ms. MCKINNEY. That is absolutely wonderful. In fact, you know children are our most valuable asset, and we need to do everything that we can to divert our national attention to the status of children in this country. The statistics are appalling and are quite shameful for a country so wealthy as this one.

I would also like to just mention for half a moment that this is a piece of legislation that has a lot of support, and that we have organizations that represent literally millions of Americans who are in support of this legislation.

Mr. KOPETSKI. I would ask the gentleman if they are limited to the business side.

Ms. MCKINNEY. These organizations are as diverse as the American Agriculture Movement, the American Education Association, the American Federation of Teachers, Bread for the World, the Child Welfare League of America, Coalition on Human Needs, Council for a Liveable World, Council for Rural Housing and Development, Families U.S.A., National Association of Homes and Services for Children, National Neighborhood Coalition, National Realty Committee, National Urban League, Women's Action for New Directions, Physicians for Social Responsibility, and the United Methodist Church.

Mr. KOPETSKI. I see you have about three pages of organizations.

Ms. MCKINNEY. Three pages of organizations, fully in support of the President's package.

Mr. KOPETSKI. Let me also say that as a member of the Committee on Ways and Means, we do have significant business support for this proposal as well. The fact is the President proposed increasing the top corporate rate from 34 percent, the current rate, to 36 percent. After a lot of public testimony and debate, we listened to the business community and instead of that 36 percent rate it will be at 35 percent.

Is it every business in America or every corporation in America? The fact is it is only the top 2,700 corporations in this country out of about 40,000 that do pay that top income rate.

Mr. Speaker, I would like to take, in closing, just a few moments to show some of these charts that I have here, Mr. Speaker.

Mr. Speaker, here we have a chart that talks about the changes in the average monthly taxes, the overall impact of the President's reconciliation bill, the bill that is before the House now.

As we see, and this includes the impact of the energy tax, of any kind of

further tax's effect on the average American, we see that those who make less than \$10,000, because of the expansion of the earned income tax credit, their taxes will go down, as will those making less than \$20,000 a year.

Those from \$20,000 to \$30,000 a year will see a \$3 a month increase in their taxes, and this is at the end, this is the accumulation, a culmination of the President's plan in 1998. All of this is phased in.

For the American family with a household income of \$30,000 to \$40,000, we are talking about a \$14 increase and a \$23 increase for families of \$40,000 to \$50,000; from \$50,000 to \$75,000, a \$41 increase; from \$75,000 to \$100,000, a \$64 a month increase.

Yes, for those who make over \$200,000, their monthly tax bill will go up about \$1,935. What we are saying is that we are reversing the trend that occurred in the 1980's and trying to be fair in asking every American, based on ability, to pay to help reduce the Federal deficit.

Does it hurt the millionaires? Probably a little bit, but I think I know two or three of these, actually, and I think they would actually say, "If it truly goes to deficit reduction, I am willing to pay."

I think that is the important point that we have to focus on, is that the world is not going to end for the middle income taxpayers if we pass this bill. Are they going to pay a little bit more? Yes, no question about it. Is it going to deficit reduction? Yes, no question about it.

This chart demonstrates in a different showing who is paying the taxes under the bill. You can see that 66 percent of it, the overwhelming majority of the tax bill, is going to those incomes over \$200,000. The next highest group are those who make \$50,000 to \$100,000. They will pay 20 percent of the share. Those from \$100,000 to \$200,000 pay 9 percent, and those with incomes under \$50,000 will pay 5 percent of the share of the American tax bill.

Finally, I think that it is important to conclude on this note, that this truly is deficit reduction. There has been a lot of rhetoric this week in the newspapers and on the floor about does it go to deficit reduction. There is no doubt about it. This orange line shows what happens if we do nothing, and this shows what happens if we pass the President's deficit reduction package. There is quite a gap here if we do nothing.

I think for all the reasons articulated earlier and by other speakers on this side of the aisle, that the American public cannot afford to do nothing. I commend the President for his leadership. This is not an easy vote for the Members of the Congress, there is no doubt about it, but those of us who will be voting "yes" will be voting for a sound, solid, secure future for our

American children, and for a sound, positive economic growth for our economy these next few years.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEACH (at the request of Mr. MICHEL) for today, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mrs. MORELLA, for 60 minutes, on May 27.

Mr. DOOLITTLE, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, on May 26.

Mr. DIAZ-BALART, for 5 minutes, on May 26.

Mr. ZIMMER, for 5 minutes, today.

Mr. DELAY, for 5 minutes, today.

(The following Members (at the request of Mr. BACCHUS of Florida) to revise and extend their remarks and include extraneous material:)

Mr. DEUTSCH, for 5 minutes each day, on May 25 and 26.

Mr. BACCHUS of Florida, for 5 minutes, today.

Mr. PICKLE, for 5 minutes each day, on May 25 and 26.

Mr. KOPETSKI, for 60 minutes, today.

Ms. MCKINNEY, for 60 minutes, today.

Mr. BLACKWELL, for 60 minutes, on May 26.

Mr. RANGEL, for 60 minutes, on June 30.

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

Mr. HUNTER, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BURTON of Indiana) and to include extraneous matter:)

Mr. MICHEL.

Mr. LIGHTFOOT.

Mr. BILIRAKIS.

Mr. COMBEST.

Mr. WALSH.

Mr. KING.

Mr. BURTON of Indiana in two instances.

Mr. GOODLING.

Mr. OXLEY.

Mr. GINGRICH.

Mr. SOLOMON in two instances.

Mr. CRANE.

Mr. BALLENGER.

Mr. ZELIFF.

Mr. HYDE.

Mr. SMITH of New Jersey.

(The following Members (at the request of Mr. BACCHUS of Florida) and to include extraneous matter:)

Mr. COLEMAN.

Mr. SWETT.

Mr. FAZIO.

Mr. BORSKI.

Mr. OLVER.

Mr. STARK in seven instances.

Mr. PAYNE of New Jersey.

Mr. BERMAN.

Mr. RICHARDSON.

Mr. EDWARDS of California.

Mr. FROST.

Mr. COSTELLO.

Mrs. SCHROEDER in three instances.

Mr. KILDEE.

Mr. MANTON.

Mr. SABO.

Mr. CLEMENT.

Mr. BONIOR.

Mr. EDWARDS of Texas.

Mr. MINETA.

(The following Member (at the request of Mr. KOPETSKI) and to include extraneous matter:)

Mr. BISHOP.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 19 minutes p.m.) under its previous order the House adjourned until tomorrow, Wednesday, May 26, 1993, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1282. A letter from the Department of the Air Force, transmitting notice that the Air Force plans to conduct a cost comparison of Air Training Command's Base Operating Support function at Columbus Air Force Base, MS, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

1283. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 1993 through March 31, 1993, pursuant to 2 U.S.C. 104a (H. Doc. No. 103-90); to the Committee on House Administration and ordered to be printed.

1284. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

1285. A letter from the Secretary of the Interior, transmitting a report on the Government's helium program providing operating statistical and financial information for the fiscal year 1992, pursuant to 50 U.S.C. 167n; to the Committee on Natural Resources.

1286. A letter from the Secretary of the Interior, transmitting the Foundation's annual

report for fiscal year 1992, pursuant to 16 U.S.C. 19n, 19dd(f); to the Committee on Natural Resources.

1287. A letter from the Director, National Legislative Commission, The American Legion, transmitting a copy of the Legion's financial statements as of December 31, 1992, pursuant to 36 U.S.C. 1101(4), 1103; to the Committee on the Judiciary.

1288. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to make permanent the authority of the Secretary of Commerce to conduct the Quarterly Financial Report Program; to the Committee on Post Office and Civil Service.

1289. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 10, United States Code, to extend the definition of the Office of the Under Secretary for Health to include health care personnel appointed to positions in the Veterans Health Administration; to the Committee on Veterans' Affairs.

1290. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize the transfer of 11 naval vessels to Argentina, Australia, Chile, Greece, Taiwan, and Turkey; jointly, to the Committees on Armed Services and Foreign Affairs.

1291. A letter from the Secretary of Energy, transmitting notification that the National Renewable Energy and Energy Efficiency Management Plan will be submitted on October 25, 1993, pursuant to Public Law 102-218, section 9(b) (103 Stat. 1868); jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on Government Operations. H.R. 826. A bill to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes; with amendments (Rept. 103-106, Pt. 1). Ordered to be printed.

Mr. BROOKS: Committee on the Judiciary. H.R. 2128. A bill to amend the Immigration and Nationality Act to authorize appropriations for refugee assistance for fiscal years 1993 and 1994 (Rept. 103-107). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSE: Committee on House Administration. S. 564. An act to establish in the Government Printing Office a means of enhancing electronic public access to a wide range of Federal electronic information (Rept. 103-108). Referred to the Committee of the Whole House on the State of the Union.

Mr. KLECZKA: Committee on House Administration. House Resolution 182. Resolution dismissing the election contest against Jay Dickey (Rept. 103-109). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 183. Resolution providing for considerations of the bill (H.R. 2244) making supplemental appropriations, transfers, and rescissions for the fiscal year ending September 30, 1993, and for other purposes, and waiving points of order against the bill (H.R. 2118) making supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, and against its consideration (Rept. 103-110). Referred to the House Calendar.

Mr. SABO: Committee on the budget. H.R. 2264. A bill to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for fiscal year 1994 (Rept. 103-111). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FRANKS of New Jersey:

H.R. 2245. A bill to establish a Permanent Performance Review Commission; jointly to the Committees on Government Operations and Rules.

By Mr. ANDREWS of Texas (for himself and Mr. COLEMAN):

H.R. 2246. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage development in certain border areas; to the Committee on Ways and Means.

By Mr. BALLENGER:

H.R. 2247. A bill to suspend until January 1, 1995, the duty on 4,4'-biphenol; to the Committee on Ways and Means.

By Mr. DORNAN:

H.R. 2248. A bill to provide that petitioners for immigration classification on the basis of immediate relative status to a citizen shall be required to pay only one fee when such petitions are filed at the same time; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 2249. A bill to preserve the integrity of certain athletic competition in sports; to the Committee on the Judiciary.

By Mr. RUSH (for himself, Mr. FRANK

of Massachusetts, Mr. DELLUMS, Mr. LEWIS of Georgia, Mr. FORD of Tennessee, Mr. EVANS, Mr. DURBIN, Mrs. COLLINS of Illinois, Ms. FURSE, Mr. JEFFERSON, Ms. CANTWELL, Mrs. CLAYTON, Ms. NORTON, Mr. BERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WATT, Mr. WYNN, Ms. ROYBAL-ALLARD, Ms. MALONEY, Mr. HINCHEY, Mr. SCOTT, Mr. TUCKER, Mr. REYNOLDS, Mr. BLACKWELL, Ms. VELAZQUEZ, Mr. RICHARDSON, Mr. BROWN of Ohio, Ms. BROWN of Florida, Mr. CLYBURN, Mr. BARRETT of Wisconsin, Ms. MEEK, Mr. FILNER, Mr. HASTINGS, Mr. FIELDS of Louisiana, Mr. TOWNS, Mr. MENENDEZ, Mr. GENE GREEN of Texas, Mr. PASTOR, Mr. BISHOP, Ms. MCKINNEY, and Mr. NADLER):

H.R. 2250. A bill to establish the National Community Development Administration to facilitate community and economic development in low-income neighborhoods in the United States, and for other purposes; jointly, to the Committee on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. GRANDY (for himself and Mr. CASTLE):

H.R. 2251. A bill to extend until January 1, 1997, the existing suspension of duty on fluazifop-p-butyl; to the Committee on Ways and Means.

By Mr. GRANDY (for himself and Mr. NUSSLE):

H.R. 2252. A bill to extend until January 1, 1997, the existing suspension of duty on mercuric oxide; to the Committee on Ways and Means.

By Mr. HYDE:

H.R. 2253. A bill to require periodic assessments of the impact and effectiveness of U.S. economic assistance to foreign countries; to the Committee on Foreign Affairs.

By Mr. LIGHTFOOT (for himself and Mr. JOHNSON of South Dakota):

H.R. 2254. A bill to authorize the President to enter into an agreement with the Government of the People's Republic of China to establish a United States-China Bilateral Human Rights Commission; to the Committee on Foreign Affairs.

By Mr. MINETA:

H.R. 2255. A bill to amend the Federal Water Pollution Control Act to reauthorize and modify the State water pollution control revolving loan program and for other purposes; jointly, to the Committees on Public Works and Transportation and Ways and Means.

By Mr. OWENS:

H.R. 2256. A bill to provide emergency assistance to local public libraries for the purchase of books and other library materials and resources; to the Committee on Education and Labor.

By Mr. POSHARD:

H.R. 2257. A bill to direct the heads of Federal agencies to provide local resident hiring preferences in carrying out construction projects; to the Committee on Government Operations.

By Mrs. SCHROEDER:

H.R. 2258. A bill to apply the expanded definition of disposable retired pay used for computation of the maximum amount of a former spouse's share of military retired pay to divorcees that became final before the effective date of amendments made by Public Law 101-510 as well as those after that date; to the Committee on Armed Services.

By Mr. SMITH of Texas:

H.R. 2259. A bill to amend the Immigration and Nationality Act to provide for the adjustment of levels of immigration to reflect changes in the unemployment rate of the United States; to the Committee on the Judiciary.

By Ms. SNOWE:

H.R. 2260. A bill calling for reduction in the U.S. share of assessed contributions to international peacekeeping operations, restricting the use of the U.S. Peacekeeping Emergency Fund, and for other purposes; to the Committee on Foreign Affairs.

By Mr. THOMAS of California (for himself, Mrs. JOHNSON of Connecticut, Mr. GRANDY, and Mr. MCCREERY):

H.R. 2261. A bill to contain the rate of growth in health care costs and enhance the quality of health care by improving and making more efficient the provision of medical and health insurance information, and for other purposes; jointly, to the Committees on Energy and Commerce, Ways and Means, Education and Labor, and Veterans' Affairs.

By Mrs. UNSOELD:

H.R. 2262. A bill to authorize the conveyance of certain lighthouses in the State of Washington; to the Committee on Merchant Marine and Fisheries.

By Mr. WHEAT:

H.R. 2263. A bill to amend the Internal Revenue Code of 1986 to reduce the burden of Social Security taxes on lower and middle income individuals by allowing a refundable credit for a portion of such taxes, and to repeal the limit on the amount of wages subject to the employee OASDI taxes; to the Committee on Ways and Means.

By Mr. SABO:

H.R. 2264. A bill to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for fiscal year 1994; committed to the Committee of the Whole House on the State of the Union.

By Mr. KLECZKA:

H. Res. 182. Resolution dismissing the election contest against Jay Dickey; considered and agreed to.

MEMORIALS

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

155. By the SPEAKER: Memorial of the Senate of the State of Hawaii, relative to supporting the development of new roles for the military in Hawaii; to the Committee on Armed Services.

156. Also, memorial of the Senate of the State of Hawaii, relative to Federal emergency unemployment benefits; to the Committee on Ways and Means.

157. Also memorial of the Senate of the State of Hawaii, relative to the Healthy Families America [HFA] Initiative; jointly, to the Committees on Education and Labor and Energy and Commerce.

158. Also, memorial of the Senate of the State of Hawaii, relative to the formation of an Economic Conversion Task Force; jointly, to the Committees on Armed Services, Ways and Means, Education and Labor, and Banking, Finance and Urban Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EDWARDS of Texas:

H.R. 2265. A bill for the relief of Michael Patrick McNamara and Thomas Parnell McNamara, Jr.; to the Committee on Post Office and Civil Service.

By Mr. TOWNS:

H.R. 2266. A bill for the relief of Orlando Wayne Naraysingh; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 39: Mr. ENGEL, Mr. JOHNSTON of Florida, Mr. MINGE.

H.R. 109: Mr. ANDREWS of Maine.

H.R. 163: Mr. HASTERT.

H.R. 224: Ms. ROYBAL-ALLARD, Mr. JOHNSTON of Florida, Mr. DELLUMS, AND Mr. ABERCROMBIE.

H.R. 304: Mr. PAXON and Mr. LANCASTER.

H.R. 417: Ms. LONG and Mr. DURBIN.

H.R. 466: Mrs. LLOYD, Mr. WALSH, Mrs. MALONEY, Mr. BALLENGER, Mrs. THURMAN, and Mr. UPTON.

H.R. 509: Mr. ROTH.

H.R. 518: Mr. JOHNSTON of Florida, Ms. SCHENK, Mr. VALENTINE, and Ms. SHEPHERD.

H.R. 559: Mr. VENTO, Mr. BACCHUS of Florida, Mr. GILMAN, Mrs. MINK, Mr. MEEHAN, and Mr. DEFAZIO.

H.R. 749: Mr. KLEIN, Ms. FURSE, and Mr. MYERS of Indiana.

H.R. 769: Mr. ACKERMAN, Mr. SMITH of New Jersey, and Mr. VISLOSKEY.

H.R. 773: Mr. DORNAN.

H.R. 799: Mr. REED.

H.R. 822: Mr. FISH and Mr. ENGEL.

H.R. 844: Mr. KLEIN and Mr. SCHIFF.

H.R. 881: Mr. HAMBURG, Mr. SWETT, Mr. HORN, Ms. SCHENK, Mr. LAFALCE, Mr. WAXMAN, Mrs. SCHROEDER, Mrs. COLLINS of Illi-

nois, Mrs. JOHNSON of Connecticut, Mr. MINETA, Mr. MAZZOLI, Mr. JACOBS, and Mr. EVANS.

H.R. 882: Mr. NEAL of North Carolina.

H.R. 891: Mr. RAVENEL.

H.R. 911: Mr. HEFLEY and Mr. ARMEY.

H.R. 923: Mr. BEVILL.

H.R. 935: Mr. ROMERO-BARCELÓ, Mr. UNDERWOOD, Mr. FIELDS of Louisiana, Mr. FALEOMAVAEGA, Mr. THOMPSON, Mr. FILNER, and Mr. LANCASTER.

H.R. 972: Mr. LEWIS of Florida and Mr. STRICKLAND.

H.R. 983: Mr. ENGEL.

H.R. 1003: Mr. ENGEL.

H.R. 1006: Mr. PACKARD.

H.R. 1036: Mr. TORRES, Mr. REYNOLDS, Mrs. SCHROEDER, Mr. HOCHBRUECKNER, and Mr. OBERSTAR.

H.R. 1080: Mr. COBLE, Mr. HASTERT, and Mr. HYDE.

H.R. 1133: Ms. ENGLISH of Arizona, Mr. GILMAN, Mr. LEACH, Mr. APPLGATE, Mr. RAHALL, Mr. ENGEL, and Mr. DE LUGO.

H.R. 1141: Mr. MYERS of Indiana.

H.R. 1154: Mr. HALL of Ohio.

H.R. 1155: Mr. CHAPMAN, Mr. GONZALEZ, Mr. BONIOR, Mr. BOUCHER, and Mr. PETERSON of Minnesota.

H.R. 1164: Mr. BROWN of California.

H.R. 1171: Mr. ENGEL.

H.R. 1182: Mr. TRAFICANT and Ms. SHEPHERD.

H.R. 1254: Mr. BARRETT of Wisconsin, Mr. SERRANO, Ms. MEEK, Mr. FINGERHUT, Mr. BEILSON, and Mr. ENGEL.

H.R. 1272: Mr. SPENCE.

H.R. 1277: Mr. GINGRICH.

H.R. 1293: Mr. PACKARD.

H.R. 1332: Mr. BACCHUS of Florida, Mr. FRANK of Massachusetts, and Mr. SKAGGS.

H.R. 1353: Mr. SENSENBRENNER, Mr. HERGER, and Mr. MCCOLLUM.

H.R. 1355: Mr. DUNCAN, Mr. LINDER, and Mr. ARMEY.

H.R. 1404: Mr. SPENCE, Mr. EVANS, and Ms. WOOLSEY.

H.R. 1405: Mr. HASTINGS and Mr. ENGEL.

H.R. 1421: Mr. BECERRA and Ms. DELAURO.

H.R. 1459: Mr. LINDER, Mr. ROHRBACHER, and Mr. ARMEY.

H.R. 1496: Mr. MACHTLEY, Mr. LANCASTER, Mr. DREIER, Mr. HASTINGS, Mr. HILLIARD, Mr. BAKER of California, and Mr. ARMEY.

H.R. 1500: Ms. WOOLSEY and Mr. FRANK of Massachusetts.

H.R. 1509: Mr. ACKERMAN.

H.R. 1520: Mr. WYNN.

H.R. 1523: Mr. COX, Mr. PETRI, and Mr. BALLENGER.

H.R. 1524: Mr. PETRI.

H.R. 1525: Mr. PETRI and Mr. KLUG.

H.R. 1532: Mr. JOHNSTON of Florida, Mr. SWIFT, Mr. SMITH of Oregon, Mrs. SCHROEDER, Mr. FOGLIETTA, Mr. GOODLING, Mr. SPENCE, Mr. GLICKMAN, Mr. SHAW, Mr. GEJDE, Mr. HASTERT, Mr. PETRI, Mr. DOOLITTLE, and Mr. CALVERT.

H.R. 1533: Mr. PARKER, Mr. HILLIARD, Mrs. CLAYTON, Miss COLLINS of Michigan, Mr. SERRANO, and Mr. STRICKLAND.

H.R. 1539: Mr. COLEMAN.

H.R. 1573: Mr. LANTOS, Mr. KLINK, and Mr. ENGEL.

H.R. 1583: Mr. ARMEY.

H.R. 1698: Mr. JACOBS.

H.R. 1709: Mrs. UNSOELD and Mr. INSLEE.

H.R. 1795: Mr. DE LUGO, Mr. FILNER, Mr. PARKER, and Mr. CARDIN.

H.R. 1829: Ms. SLAUGHTER.

H.R. 1877: Ms. PELOSI, Mr. JACOBS, Mr. DORNAN, Mr. PETERSON of Minnesota, Mr. EVANS, Ms. MALONEY, and Mr. UPTON.

H.R. 1887: Mr. PENNY, Mr. PAXON, Mr. PARKER, Ms. SNOWE, Mr. ANDREWS of New Jersey, Mr. BAKER of Louisiana, Mr. POMEROY, Mr. CLINGER, Mr. INSLEE, and Mr. PACKARD.

H.R. 1890: Mr. OWENS and Mr. BAKER of California.

H.R. 1897: Mrs. MINK and Mr. FORD of Michigan.

H.R. 1904: Mr. SANDERS.

H.R. 1905: Mr. SANDERS.

H.R. 1906: Mr. SANDERS.

H.R. 1935: Mr. DEUTSCH, Mrs. CLAYTON, and Ms. BYRNE.

H.R. 1948: Mr. ACKERMAN.

H.R. 2053: Mr. ARMEY and Mr. FAWELL.

H.R. 2076: Mr. PETERSON of Minnesota, Mr. FROST, Mr. DEFazio, and Mr. TOWNS.

H.R. 2135: Mr. BARRETT of Nebraska, Mr. LAROCO, Mr. BREWSTER, and Mr. TOWNS.

H.R. 2136: Mr. SCHIFF.

H.R. 2154: Ms. ENGLISH of Arizona.

H.R. 2190: Mr. DORNAN.

H.R. 2201: Mr. RICHARDSON, Mr. FRANKS of Connecticut, and Mr. MANTON.

H.R. 2202: Mr. RICHARDSON and Mr. FRANKS of Connecticut.

H.R. 2203: Mr. RICHARDSON and Mr. FRANKS of Connecticut.

H.R. 2204: Mr. RICHARDSON, Mr. FRANKS of Connecticut, and Mr. MANTON.

H.R. 2205: Mr. RICHARDSON, Mr. FRANKS of Connecticut, Mr. MANTON, and Mr. PALLONE.

H.R. 2219: Mr. BROWDER, Mr. KANJORSKI, and Mr. PETERSON of Florida.

H.J. Res. 44: Mr. PACKARD and Mr. SMITH of New Jersey.

H.J. Res. 78: Mr. ABERCROMBIE, Mr. OBEY, Mr. GRANDY, Mr. COX, Mr. FOGLIETTA, Mr. SOLOMON, Mr. FLAKE, Ms. MOLINARI, Ms. DELAURO, Mr. WYNN, Mr. MYERS of Indiana, Mr. SANGMEISTER, Mr. GILLMOR, Mr. HAMBURG, Ms. CANTWELL, Ms. LAMBERT, Mr. RICHARDSON, Mr. LEVY, Mr. KINGSTON, Mr. BRYANT, Mr. JOHNSON of Georgia, and Ms. FURSE.

H.J. Res. 92: Mr. CAMP.

H.J. Res. 122: Mr. DURBIN.

H.J. Res. 133: Mr. HILLIARD.

H.J. Res. 135: Mr. FIELDS of Texas, Mr. GINGRICH, Mr. PAYNE of Virginia, Mr. HAMILTON, Mr. LEWIS of Georgia, Mr. FINGERHUT, Mr. LEVIN, Mr. INHOFE, Mr. COOPER, Mr. SYNAR, Mr. HAYES of Louisiana, Mr. DREIER, Mr. FRANKS of New Jersey, Mr. DICKS, Ms. SHEPHERD, Mr. BREWSTER, Mr. OBEY, Mr. DARDEN, Ms. ESHOO, Mr. FRANK of Massachusetts, Mr. SHAW, Mr. PETE GEREN, Mr. YATES, Mr. QUINN, Mr. WHEAT, Mr. REED, Mr. SHARP, and Mrs. COLLINS of Illinois.

H.J. Res. 139: Mr. LEVIN.

H.J. Res. 148: Mr. LANCASTER.

H.J. Res. 187: Mr. MANTON, Mr. RAMSTAD, Mr. LEVIN, Mr. COBLE, Ms. MALONEY, Mr. JEFFERSON, Mr. MURTHA, Mr. MATSUI, Ms. MCKINNEY, Mr. STOKES, Mr. SYNAR, Mr. LANCASTER, Mr. MURPHY, Mr. GUNDERSON, Mr. GINGRICH, Ms. MARGOLIES-MEZVINSKY, and Mr. NATCHER.

H.J. Res. 194: Mr. TUCKER, Mr. WALSH, Mr. CONYERS, Mr. DELLUMS, Mr. WELDON, and Mrs. MORELLA.

H.J. Res. 195: Mr. BONIOR, Mr. DEFazio, Mr. TORRES, Mr. THOMPSON, Mr. ABERCROMBIE, Ms. NORTON, Mr. DEUTSCH, and Mr. MATSUI.

H. Con. Res. 66: Mr. JACOBS.

H. Con. Res. 95: Ms. SHEPHERD.

H. Con. Res. 100: Mr. BERMAN, Mrs. MORELLA, Mr. SANDERS, Mr. BEILSON, Mr. EMERSON, Mr. SCHIFF, Mr. SCHAEFER, Mr. LEVIN, and Mr. SAWYER.

H. Res. 47: Mr. STUMP, Mr. KLUG, Mr. CRANE, Mr. CASTLE, Mr. MCCOLLUM, and Mr. PAXON.

H. Res. 151: Mr. MCHUGH, Mr. BACHUS of Alabama, and Mr. BLUTE.

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EXTENSIONS OF REMARKS

"REAGAN DOCTRINE" NEEDED
FOR BOSNIA, A NEW APPROACH
FOR RUSSIA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. SOLOMON. Mr. Speaker, I had the great privilege of representing this body at the meeting last weekend of the North Atlantic Assembly, the parliamentary arm of NATO.

What I found, unfortunately, was the desire of our European allies that America commit her own troops to that seemingly intractable civil war.

As far as I'm concerned, and as far as the American people are concerned, that is out of the question.

The American people are equally opposed, Mr. Speaker, to the United States throwing billions of dollars at the former Soviet Union, only to see it wasted.

I spoke on those two issues before the North Atlantic Assembly. I told our European counterparts that what was needed in Bosnia was an adaption of the Reagan doctrine, which worked so well a decade ago in Afghanistan, Nicaragua, and El Salvador. Let us keep our own soldiers home, but let's give freedom fighters the ability to defend themselves. I urged lifting the arms embargo on the Bosnian Muslims.

In my speech on Russia, I repeated my support for Boris Yeltsin and all genuine reformers.

Mr. Speaker, I place both speeches in today's RECORD, and urge Members to read them.

REMARKS BY CONGRESSMAN GERALD B. SOLOMON AT THE PLENARY SESSION OF THE NORTH ATLANTIC ASSEMBLY, BERLIN, GERMANY, MAY 24, 1993

Ladies and Gentlemen: Today we in NATO are faced with an incredibly complex challenge in the Balkans. It seems amazing, but the place where World War I began continues to be a cauldron of ethnic strife and intractable problems. Seventy-nine years ago, violence in the Balkans sucked the European empires and America into a savage war which killed millions.

Today, to our great credit, we have managed to avoid this terrible fate. Today, instead of empires lining up behind one or the other side in the former Yugoslavia, the violence, and the main perpetrators of it, the Serbs have been met with universal condemnation. Even our old adversaries, the Russians, have joined us in our efforts to stop this bloodletting.

The reasons for this difference between now and 1914 are clear: The democratization of Western Europe after World War II and the Russian Revolution of 1911 have brought America, Europe and Russia closer together and now we are all travelling down the same, civilized path, together. Let us hope that this will always be.

And what organization has played a more pivotal role in ensuring democracy in Western Europe and in bringing about the end of the Cold War than NATO? And what better reason is there than our unified voice regarding the Balkans to keep this tremendous organization together? NATO can and will continue to play a stabilizing and democratizing role in Europe.

But we clearly need to refine our mission. And each country needs to rethink its role in the alliance. For while we have spoken in unison regarding the Balkans, we have been unable to come up with a coherent, effective policy. We have clearly failed to stabilize the situation in the former Yugoslavia. Our efforts have been half-hearted, untimely, and have lacked integration.

It is lamentable that it took us nearly a year to impose even partial sanctions on Serbia, and even more so that it was only last month that we put some teeth into them. It is embarrassing that the foreign minister of Bosnia has requested that UN troops leave his country, saying, in effect, that they are in the way. And it is inexcusable, in my view, that we maintain an arms embargo against an outmanned, outgunned people who have been subject to merciless attack.

Now, there is no way, in my view, that we can impose a military solution on this crisis. I have been and will continue to be against the use of direct American military involvement in the Balkans, either to impose a solution or enforce Bosnia's division into ethnic cantons. We are not going to solve centuries-old problems in this manner. We have only to remember that Hitler could not tame this region with forty-three divisions in order to realize the potential for a quagmire in the Balkans.

But it seems to me that the debate has been allowed to be dominated by those who advocate an all-or-nothing approach. Between the chorus of calls for direct military intervention on the one hand, and bland calls for more dialogue and humanitarian aid on the other, the middle view has been drowned out.

We Republicans in the U.S. House of Representatives have drafted a plan that pursues just this middle course. It is based upon a strategy that has proven its mettle in the past, in numerous different situations. In America, we called it the Reagan Doctrine.

It is a relatively simple approach that rests upon the idea of letting other freedom-loving peoples have the means to fight their own battles.

This policy jettisoned the Soviets from Afghanistan, forced democratic elections in Nicaragua and prevented a communist takeover of El Salvador, without the loss of a single American life.

We should let the Bosnians, who have shown their love of country and their valiance, fight their own battle. But they need the means to do it. Let's give them the means by lifting the arms embargo. Let's keep the tightest possible sanctions on Serbia and make clear to the Croatians that they face the same if they don't clean up their act. We can also take other steps such as establishing contact with the democratic opposition in Serbia, like we did in Poland

after martial law, to stir up opposition to the Milosevic dictatorship, which is clearly a large part of the problem.

This strategy is not guaranteed to be effective, and will certainly lead to an upsurge in the violence in the short run. But it is certainly a better idea than stuffing the Balkans full of Western troops, who would be subject to a Beirut or Vietnam-type situation. And it certainly is better than leaving in place an unconscionable arms embargo, which is depriving a helpless people of the ability to fight for their lives.

I would hope that NATO could agree on this strategy, for if we cannot even agree on this small step to counter the Serbs, I fear for how we will deal with potentially bigger problems in the future.

REMARKS BY CONGRESSMAN GERALD B. SOLOMON AT THE POLITICAL COMMITTEE OF THE NORTH ATLANTIC ASSEMBLY, BERLIN, GERMANY, MAY 24, 1993

Ladies and Gentleman: Once again, the taxpayers of our countries are being asked to ante up in order to "save" democracy in Russia and the former Soviet Union. I would like to suggest today that we rethink our entire approach to the Russian problem, as I feel we are on the verge of wasting tens of billions of dollars on efforts that will actually stymie reform there.

Now please, don't misunderstand me. I am 100 percent behind President Yeltsin and his reformist allies over there. Their efforts to rid their society of the vestiges of communism are truly heroic. And I understand fully the enormous stakes that we have in seeing a successful transformation to market democracies in all of these countries. A successful transformation will pave the way toward unparalleled human advancement. An aborted transformation could unleash a reign of terror across Eurasia. Therefore, we must stay engaged in this process.

But is Western money really the answer to this problem? An analysis of the Russian political situation, the Russian economy and the history of Western development aid yields an emphatic answer of "no" to this question, but here we are, ready to dump another \$28 billion into a black hole. Worst of all, most of this money is ticketed to go to the place that least needs it: the Russian government.

The labyrinth that is the Russian government is not just a sinkhole for our money; it is the source of the problem in Russia. It is nothing but the remnants of the apparatus which tyrannized and pauperized the Russian and Soviet people under Communism. It needs to be dismantled, not propped up with cash. The notion that a market economy can be constructed by a series of government actions is itself contradictory. What the Russian government needs to do is implement a proper commercial code and get out of the way. Then, the talented Russian people, in concert with hungry Western investors, will build a market economy from the ground up.

President Yeltsin and his top economic advisors understand this, but they are blocked by reactionaries in the Parliament, who continue to dawdle on such critical issues as land ownership and bankruptcy laws. Mean-

● 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.

while, the Central Bank, controlled by Parliament and run by an old-style Soviet bureaucrat, is subverting the reform process with an irresponsibly loose monetary policy.

These simple facts tell us that the ultimate problem in Russia is political, not economic. And our money cannot solve political problems in Russia. In this sphere we have only limited leverage. Here we can only lend our political and moral support to Yeltsin and his allies. Though limited, this kind of support is not altogether insignificant.

Indeed, I was recently visited by a man named Sergei Ponomarev, who spent five years in the gulag for helping Andrei Sakharov publish his memoirs. When I asked Mr. Ponomarev how we could best help Russia, he replied not with a type of economic aid or a dollar figure. He simply stated that we must continue to support Yeltsin and the reformers politically, while avoiding granting any legitimacy to those who are blocking reform under the guise of constitutionalism.

To our credit, we in the West did exactly this when events almost reached a crisis point in Russia in March. I hope that we will continue to act in this way.

Getting back to the aid question, it does seem to me that there are some ways in which we can help. But we need to apply an acid test to each and every proposal. That is: does it help to build democratic and market institutions in the recipient country? I believe that the majority of the \$28 billion we have pledged, because it is typical government-to-government aid, does not meet this test.

Take grain credits, for example. Does dumping cheap grain on the Russian market help build a market economy there? Of course it doesn't. It just lowers the profits of new private Russian farmers. How about loans for the Russian energy sector, to which so much of our money is dedicated? Does this help build a market economy? No, it just props up a truly archaic communist-era industry that is still a government monopoly. The Russian energy sector will get all of the investment it needs as soon as the government frees prices and allows for at least partial privatization.

Last month, I was a member of a U.S. Congressional delegation to Russia and the Ukraine. There, we were warned repeatedly by reformers and businessmen to avoid this very sort of aid. As they put it, the money would go "right into the sand." After my deliberations there and with reformist Russian parliamentarians in Washington recently, I have concluded that a responsible framework for aid to Russia and the former Soviet Union would be as follows:

(1) Concentrating on regions where reformers have local control, we should try to aid private entrepreneurs as much as possible. For instance, private farmers in Russia need equipment and fertilizer. What they don't need is to have the Russian government dump foreign grain in their laps. Can't we find a mechanism to get them the tools they need to produce and market their own grain?

(2) Encouraging as much private investment by our own firms as possible.

(3) Sending as many advisors, trainers and teachers, especially in the business sphere, as possible. Not hot shot consultants who stay for a week in \$400/night hotels, but volunteers who really want to help at the grass roots level.

These ideas may not be as sexy as a \$6 billion ruble stabilization fund or a \$4 billion World Bank development loan, but they are bound to be more effective.

It is often said that we stand at the edge of a new era in human history; an era of limit-

less possibilities if we just seize the moment. I couldn't agree more; let's not blow it by simultaneously wasting precious Western resources and thwarting Russian reform with massive government-to-government aid.

JOHN MELENDEZ—TEACHING THE CHILDREN OF FREMONT FOR 35 YEARS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. STARK. Mr. Speaker, today I want to share with my colleagues news that John Melendez, principal of the Blacow School in Fremont, CA, is retiring after 35 years in education. The faculty and students are saying goodbye to a man who has touched the lives of thousands of children in my district.

In 1958, John began working with students as a classroom teacher at Mission Valley Elementary School and has since coached several sports and taught at the junior and senior high school levels. Fifteen years ago, John took over as principal of Blacow School and has been a leader and innovator ever since. The Science Lab Program began under his leadership and the bilingual education has gained national recognition. Blacow is also currently a finalist in the California Distinguished Schools Program.

The standard of excellence set by Principal Melendez and the Blacow faculty will benefit the students throughout their lives. This is the sort of investment in our children that pays huge dividends later on and John has invested for the highest return for his entire professional life.

On June 12, parents, colleagues, friends and former students will gather to honor John for his many contributions over the years. I am happy to be able to join them in thanking John on behalf of my constituents and our neighbors for his dedication and commitment; he has earned a long and happy retirement. John Melendez is an exceptional educator, Mr. Speaker, who has shown himself worthy of the trust placed in him by the people of Fremont.

ON THE RETIREMENT OF BRIG. GEN. THOMAS E. BOWEN

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mrs. SCHROEDER. Mr. Speaker, I wish to pay tribute to the career of a distinguished Army officer and gentleman.

Brig. Gen. Thomas E. Bowen recently retired as the commander of Fitzsimons Army Medical Center. But he began his military career 40 years earlier as an aviation mechanic. After mastering the inner workings of military machines, he changed his focus to mastering the inner workings of a much more complex machine—the human body.

Master Sergeant Bowen became college graduate Bowen, then Dr. Bowen, then in 1965, Captain Bowen. Years of internship and

residency work at various Army hospitals eventually produced Major Bowen.

Part of his medical training required duty in Vietnam. And no doubt his most memorable case involved an operating room drama that required Dr. Bowen to remove a live grenade from a live South Vietnamese soldier. The soldier pulled through. The grenade didn't.

Dr. Bowen received academic appointments and awards galore. His career took him south to Panama and west to Korea. Eventually, his career landed him at Fitzsimons in Aurora, CO.

General Bowen won the admiration of the civilian community and both patients and staff alike. He also won the admiration of one Congresswoman, a neat trick indeed.

The community and I wish Brig. Gen. Thomas E. Bowen all the best in his future pursuits.

CONGRATULATIONS TO PRESIDENT LEE TENG-HUI

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. BURTON of Indiana. Mr. Speaker, among the leaders in the world, few are as impressive as President Lee Teng-hui of the Republic of China on Taiwan. With the assistance of his Premier, Dr. Lien Chan, and his Foreign Minister, Dr. Frederick Chien, President Lee has fully made Taiwan's presence felt in the world.

Taiwan impresses the world with its economic strength. Taiwan is an economic powerhouse, with a total trade volume of \$153 billion in 1992 and a current foreign reserve in excess of \$80 billion. Politically, it is moving toward a full democracy. Its people enjoy all the political freedoms that we enjoy in the West. Furthermore, Taiwan ranks as our sixth largest trading partner and maintains a strong relationship with our Government and people.

In the aftermath of President Lee Teng-hui's third anniversary in office which was May 20, 1993, this member sends President Lee and his people warmest congratulations and best wishes.

POWER FEEDBACK FOR TODAY'S EDUCATION

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. OLVER. Mr. Speaker, I rise today to bring attention to Mr. Paul Kelly of Lenox, MA, for his outstanding development of an education plan entitled, "Power Feedback."

Mr. Kelly's plan comes to us at a time in which the country needs to concentrate on revising its educational system. His strategy strengthens the connections between teachers and students while improving listening, learning, and classroom management. It is applicable to any situation where learning is the objective and any size multicultural group is the audience. It is so defensible it could be politi-

cally correct. It costs and risks nothing. It can be implemented right away and yield quick observable results. It is a strategy that Mr. Kelly has used with success and knows will work for many other equators.

In today's classrooms, feedback should be more immediate, more individualized, and more enjoyable for students and teachers to stay connected. Power Feedback is an instructional tool that motivates students and teachers to listen and learn from each other and feel good about the exchange. As it is a method that leads to a mindset, it is to an individual's advantage to experience it in a classroom setting.

After 15 years of varied teaching experience, Mr. Kelly has clearly made a difference in education.

I am privileged to be able to recognize and acknowledge Mr. Kelly's overwhelming dedication to helping others achieve the success that he has had while using his plan, Power Feedback.

ST. JOSEPH'S PARISH IN FORT EDWARD, NY, RESTORES MEMORIAL TO WORLD WAR II SERVICE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. SOLOMON. Mr. Speaker, there are two bedrocks of tradition in American life, and they are the military and our churches.

Our greatest patriots have often been our most religious citizens. Our families have spent countless Sundays in prayer for the well-being of our brave men and women in uniform, and have been comforted in their sorrow for the loss of loved ones.

This connection between patriotism and piety in America makes me especially happy for the good people of St. Joseph's Parish in Fort Edward, NY, in the heart of the 22d District.

In 1947 the erected a monument in honor of the 325 parishioners who served in World War II, including the 14 individuals who gave their lives for their country.

The years have taken a toll on the memorial. But this past winter the memorial, including the bronze plaque commemorating the 14 war dead, was restored to its original beauty. On April 7, 1993, the memorial was placed where it can be seen by passersby.

At this time I'd like to commend the Reverend Michael J. Polewczak, pastor of St. Joseph's, parishioner Nicholas Ruotolo, a World War II veteran who is coordinating rededication of the memorial, and Tree Care by Stan Hunt, the local company which helped in the restoration project. And of course, praise should go to the entire parish for their patriotism and their support for this project.

Mr. Speaker, we are reminded so often that every day, everywhere in America, people are still promoting and protecting the values and virtues that have made America the greatest and freest nation on Earth. I ask every Member to join me in saluting the people of St. Joseph's Church in Fort Edward, NY, on this happy occasion.

EXTENSIONS OF REMARKS

IN HONOR OF ROSEMARIE LEBER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. STARK. Mr. Speaker, I rise today to recognize Ms. Rosemarie Leber, who is retiring after 32 years of classroom teaching. The faculty and students at the Lorenzo Manor School in San Lorenzo, CA are saying goodbye to a fine teacher who has touched the lives of thousands of children in my district.

Rosemarie Leber is one of those we speak of when we mention the unsung heroes of our society, dedicating her professional life to the futures of our children. As an elementary school teacher, Rosemarie reaches out to her students through music and art to bring language to life. Her efforts to engage the students in the learning process make many of my constituents look back on elementary school with great affection. She has given them a gift that brings rewards throughout their lives.

In June, Rosemarie will be honored for her years of service as friends and colleagues show her how much she will be missed. She has touched many lives in the classroom, Mr. Speaker, and I want to take this opportunity to congratulate her and wish her the best in retirement.

LEGISLATION REGARDING MILITARY SPOUSES

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mrs. SCHROEDER. Mr. Speaker, in 1982, Congress passed the Uniformed Services Former Spouses Protection Act [FSPA] to help former military spouses who sacrificed careers and permanent homes to support their spouses' military professions. The law has helped many former military spouses avoid financial disaster. But, like all laws, it yielded some unforeseen problems.

One such problem occurred when former military spouses receiving benefits under FSPA found themselves double-taxed because their ex-spouses, military retirees, deducted their own debt and tax payments before turning over the court-awarded share of retirement benefits. Once former military spouses received their share, they were taxed again, despite the fact that taxes had already been paid. In essence, former military spouses ended up paying their ex-spouse's debts and taxes, plus their own taxes.

In 1991, Congress corrected this problem by passing legislation that redefined disposable pay. Under this law, military retirees may deduct personal debt or tax payments only after making the court-appointed payment to their ex-spouses. Once the division is made, each party then becomes responsible for their own taxes. Although this law closed a loophole in FSPA, it only applied to divorces secured after February 4, 1991. Currently, former military spouses with pre-February 4, 1991, divorce decrees are still being penalized.

May 25, 1993

My proposal is simple. It takes the new definition of disposal pay and applies it to pre-February 4, 1991, divorces. Therefore, former military spouses, regardless of their divorce date, will not be forced to pay their ex-spouse's debts and taxes. In addition, in order to be fair to the military retiree, the bill prohibits former military spouses from seeking back payments on the new figures, and gives military retirees 90 days to adjust to the math. In short, the bill allows former military spouses access to payments that accurately reflect the divorce agreement they negotiated.

CONGRATULATIONS TO THE PEOPLE OF ERITREA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. BURTON of Indiana. Mr. Speaker, yesterday, the courageous people of Eritrea declared their independence after 30 years of struggling for freedom. The flag of the sovereign Republic of Eritrea now flies proudly in the beautiful capital city of Asmara.

The liberation of Eritrea, against the longest odds, is an incredible inspiration to people fighting for freedom all over the world. The perseverance of the Eritrean people is indeed remarkable. But even more striking is the sheer humanity and magnanimity exhibited by Eritrea in victory. It is an example worthy of emulation by others.

I am quite disappointed, Mr. Speaker, that our own Government did not see fit to send an appropriate delegation to the Eritrean independence celebration. The administration ought to be ashamed of itself.

I congratulate President Issaias Afwerki, Ambassador Hagos Ghebrehiwet, and all the people of Eritrea on this very joyous event.

IN RECOGNITION OF DON R. WILLIAMS

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. COMBEST. Mr. Speaker, I rise today to pay tribute to a man who has for many years dedicated himself and his talents to the community of Odessa, TX. Don R. Williams was recently honored as Odessa's outstanding volunteer for 1993. In stating, "I believe that anything you do in the way of community service is the rent you pay for the space you occupy," he proves to have the true spirit of humanity.

Don was recognized with the W.D. Noel Volunteer of the Year Award sponsored by the Junior League of Odessa, the Odessa Chamber of Commerce, and the United Way, for his involvement in numerous nonprofit organizations. These include the Odessa Rotary Club, the United Way, the Salvation Army, the Odessa Chamber of Commerce, the Ector County Republican Party, and the Art Institute of the Permian Basin. Don's service is noteworthy not only because of the number of ac-

tivities he contributes to, but also because of the variety of causes he supports.

The Rotary Club has been Don's primary service organization. He has maintained perfect meeting attendance for 30 years, and attributes this commitment to his father with whom he attended his first Rotary meeting. Don was recently named Rotary International district governor.

Mr. Speaker, it is an honor for me to recognize such an involved and devoted citizen of west Texas. I salute Don Williams for his willingness to freely give of his own time, energy, and talents. In doing so, he has touched many lives in Odessa, and has proven what community really means.

GUATEMALA'S ABROGATION OF THE CONSTITUTION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. SMITH of New Jersey. Mr. Speaker, I was disappointed to hear the news this morning that President Serrano of Guatemala has taken the constitution into his own hands, and dissolved the legislature. Constitutional governance is fragile and President Serrano has made the disturbing decision to bring an abrupt halt to the progress he was leading. Now, Guatemalans will require a time and dedicated effort to sort out the distrust created by this cavalier action. Guatemala's neighbors are once again faced with an illegitimate government in the region, and they must cope with the pall of instability that such actions bring.

Guatemala is rife with abhorrent human rights abuses, I am concerned that the breadth of atrocities have not received the full light of day.

I am particularly concerned about the well being of the President of the Supreme Court of Justice, Juan Jose Rodil; Human Rights Ombudsman, Romiro de Leon Carpio and the President of Congress, Jose Lobo Dubon. The safety of these Guatemalan officials is of extreme importance to Congress.

I hope that the Organization of American States speaks out strongly against these events. Rapid response is warranted. In the end, democracy must be honored and Mr. Serrano must be held responsible for being true to the principles of civil government. I pray that lives will be spared throughout this process. Certainly Mr. Serrano will be held accountable for the climate which is created, whether it be a climate of reform and peaceful change, or a climate of terror and political and economic uncertainty. These actions bring into question the legitimacy of his government and force us to rethink United States policy as it relates to Guatemala.

EXTENSIONS OF REMARKS

TRIBUTE TO DAMIAN ELEMEN-TARY AND BEL AIR HIGH SCHOOL

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. COLEMAN. Mr. Speaker, I rise today to herald the accomplishments of students in two of my local schools who will be recognized today for their efforts to prevent drug abuse, violence, and illiteracy amongst their peers. Damian Elementary and Bel Air High School of El Paso will receive \$5,000 grand prize awards after finishing first in their respective categories in the "Seventh Annual Set a Good Example Contest," sponsored by the Concerned Businessmen's Association of America.

More than 850 schools competed this year in the nationwide contest which encourages students to get involved in combating drug use, illiteracy, dropping out and youth gang involvement. For the past 2 years the contest has put added emphasis on stopping the awful tragedy of kids killing kids in our schools. Five other El Paso schools received top 10 national honors in this year's program. They were Capistrano Elementary School; Ysleta Elementary School; Parkland Middle School; Ranchland Middle School; and Ysleta High School.

Over 7,000 schools have enrolled more than 6.8 million children in the Set a Good Example Program throughout its tenure on American campuses. And each year these millions of American children complete the contest by submitting essays on what they did to improve grades, recycle and even cleanup graffiti, parks and beaches. In my schools, many children developed buddy projects with students across the border in Mexico, giving international significance to the Set a Good Example Program.

Incredibly, all these good works are fostered thanks to the good will of some concerned and generous business people who donate all the books and materials for this program. My schools were supported by Dr. W.C. LaRock and Dr. J.I. Superville, both of El Paso. My heartfelt thanks for their assistance.

Congratulations to the Concerned Businessmen's Association of America for another successful year. But most of all I want to congratulate the children of Bel Air High School and Damian Elementary who worked hard this year to better themselves and improve their communities. Keep up the good work kids.

WHY?

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. STARK. Mr. Speaker, I've received a great, succinct letter from a constituent, Richard D. Smith in Hayward, CA:

My wife and I recently made a trip to Belgium. While in Belgium I came down with bronchitis. The Doctor I went to in Belgium prescribed 5 days of medication—Biclar 010.

comp. 25 mg. for my problem at a cost of \$22.30 American, which took care of my problem.

Upon returning to Hayward, CA., I visited my personal Doctor and he told me this same medication for 5 days in USA would cost \$150.00. Why?

Why, indeed? If Members would like to help answer that question and stop the outrageous pricing of pharmaceutical drugs in this country, I urge them to cosponsor H.R. 916, which establishes a Pharmaceutical Price Review Board. Such a board—modeled on Canada's successful program—could help prevent the type of abuse of American patients so well described by Mr. Smith.

THOMAS-HILL REVISITED

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mrs. SCHROEDER. Mr. Speaker, I would like to make a matter of record my "Dear Colleagues" of May 24 and 25, 1993.

HOUSE OF REPRESENTATIVES,

Washington, DC, May 24, 1993.

DEAR COLLEAGUE: The recent publication of "The Real Anita Hill: The Untold Story," by David Brock, has returned the jarring events of October 1991 to the public eye. This week, The New Yorker magazine published a critique of the book and the author's methods, which I would like to share with you.

[From the New Yorker, May 24, 1992]

THE SURREAL ANITA HILL

(By Jane Mayer and Jill Abramson)

Nineteen months have passed since Anita Hill and Clarence Thomas exchanged their televised charges and denials in what became one of the most politically and sexually polarized confrontations in recent history, and still the American public is divided about whether a justice now sitting on the country's highest court lied to get the job. The extraordinary showdown between the judge and his accuser has already affected politics on almost every level, from the personal to the Presidential; but the mystery of who really was telling the truth has endured. So it is a matter of national interest that a man named David Brock has come forward with a book that purports to settle the question.

With a tone of authority and thirty-five pages of footnotes, his book, "The Real Anita Hill: The Untold Story" (Free Press; \$24.95), is presented as a powerful work of investigative reporting. Published by a division of the reputable Macmillan publishing house, it is packaged as an unbiased, revisionist look at the explosive hearings, which the author claims to have approached as an agnostic, willing to go wherever the facts led him.

Having pored over hearing transcripts, F.B.I. interviews, previously unreleased affidavits, and the report of the special counsel assigned by the Senate to determine who leaked Hill's accusation to the media, Brock flatly accuses Anita Hill of fabricating her charge even though "she must have known that Clarence Thomas was not the guilty party in this case." At first, he proposes, Hill simply failed to correct a friend's false impression that Thomas was the man whom she had once accused of sexually harassing her. But later, Brock suggests, Hill actively em-

belished the story, with the help of overzealous Senate aides and a feminist law professor determined to score an ideological hit on a conservative nominee. At their extreme, her radical feminist mentors were indifferent to the truth, he concludes, because in their eyes "all men are seen as rapists . . . [so] it does not matter whether Hill proved her case against Thomas or not." The hearings, Brock warns darkly, were but one foray in a "broader ideological movement to redefine the legal and social relations between the sexes" now underway in this country.

In the course of making his case, Brock transforms the prim former Reagan Administration official, who is now a tenured professor of commercial law at the University of Oklahoma, into an emotionally unstable, "full-fledged campus radical" with a long list of political and personal reasons for wanting to do Clarence Thomas in. And that's not all. According to an anonymous source quoted by Brock, she seems to enjoy watching pornographic films and making about Brock is that he pretends to be neutral when he is not. He does a skillful job of identifying numerous inconsistencies in the public and private record of the Hill-Thomas dispute, highlighting contradictions and questioning motives. But when it suits his agenda he will take a small inconsistency, read into it a major and unproved thesis, and, with each subsequent reference, treat his own speculation increasingly as accepted fact, as if repetition made it so. The technique will be recognizable to anyone who has watched a slick trial lawyer. But, unlike a court of law, the book provides no opportunity to face the accuser, since much of Brock's most damning material is in the form of quotes from anonymous sources. Nor is there any representation for the accused. Had Brock been interested in balance, he might have applied his "investigative journalism" to Justice Thomas as well. Instead, he gives Thomas a totally clean bill of health at the outset, declaring, without qualification, that "nothing was discovered to contradict his sworn testimony." One wonders how hard he looked.

Unsurprisingly, "The Real Anita Hill" has been heralded as the long-suppressed truth by prominent conservatives, among them Rush Limbaugh, Thomas Sowell, and George F. Will—who devoted his *Newsweek* column to the book, declaring it "persuasive to minds not sealed by the caulking of ideology." But it has also, surprisingly, received respectful reviews from the *Times*, the *Washington Post*, and *Newsday*, where the historian David J. Garrow, whose biography of Martin Luther King, Jr., was awarded a Pulitzer Prize, called the book "highly plausible," and suggested that "in time [it] may well prove to be far closer to the mark than many present-day pundits would like to believe."

An essentially uncritical acceptance of the facts in a nonfiction book—as distinct from the author's interpretations of those facts—is a convention of book reviewing, and normally an unavoidable one. In the case of "The Real Anita Hill," this convention threatens to do a serious disservice to history. For more than a year, we have been researching a political history of the Thomas confirmation battle, interviewing many of the same people Brock has talked to, and many to whom, evidently, he hasn't. He is skilled at lining up facts to fit his agenda, and it's clear that a familiarity with the larger record, and a willingness to do independent reporting, is required in order fully to evaluate—and to correct—his account. So, before this important piece of American history is abandoned to the ideologues, a closer look should be taken at both Brock and his "Real Anita Hill."

The book's jacket describes Brock as "an investigative journalist." The term suggests—as does Brock's foreword—that he is a man without a bias. "Like most Americans," the first sentence of the foreword reads, "I tuned into the Thomas-Hill hearings with an open mind." But what is left vague to readers trying to evaluate the perspective he brings to the subject is his extensive bona fides in the conservative movement. He is not an unbiased journalist, as he represents himself, he is a polemicist who writes. Through early 1991, he was a fellow of the Heritage Foundation, the staunchly conservative Washington think tank that supplied both intellectual energy and personnel to the Reagan revolution. His first "investigative" work on Professor Hill, a long article describing her as "a bit nutty, and a bit

slutty" (the mudslinging language has been cleaned up for this more high-toned effort), appeared in March of 1992 in the lively and tendentiously conservative journal of opinion *The American Spectator*—a publication funded by several conservative foundations, one of which, the Bradley Foundation, donated a hundred thousand dollars last year partly to pay for "investigative" pieces like Brock's. Both the Bradley Foundation and the equally conservative John M. Olin Foundation have also helped to bankroll this book—as Brock acknowledges in an author's note. But the note, though it suggests full disclosure, fails to mention that the Olin Foundation is headed by William Simon, who served as finance chair of the Citizens' Committee to Confirm Clarence Thomas.

Of course, the fact that an author has a strong ideological predisposition is not an automatic indication that what he writes will be untrue or without merit. Much of the best nonfiction has come from impassioned, opinionated partisans. What is so troubling about Brock is that he pretends to be neutral when he is not. He does a skillful job of identifying numerous inconsistencies in the public and private record of the Hill-Thomas dispute, highlighting contradictions and questioning motives. But when it suits his agenda he will take a small inconsistency, read into it a major and unproved thesis, and, with each subsequent reference, treat his own speculation increasingly as accepted fact, as if repetition made it so. The technique will be recognizable to anyone who has watched a slick trial lawyer. But, unlike a court of law, the book provides no opportunity to face the accuser, since much of Brock's most damning material is in the form of quotes from anonymous sources. Nor is there any representation for the accused. Had Brock been interested in balance, he might have applied his "investigative journalism" to Justice Thomas as well. Instead, he gives Thomas a totally clean bill of health at the outset, declaring, without qualification, that "nothing was discovered to contradict his sworn testimony." One wonders how hard he looked.

Brock's central thesis is that Hill left the false impression, in a telephone conversation with a girlfriend, that Thomas had harassed her, and, for unknown reasons, failed subsequently to clear up the misunderstanding. Instead, Hill decided to stick with the misrepresentation, to repeat it to the F.B.I., to fly to Washington so that she could repeat it publicly in front of a national television audience (and her assembled family), and then to subject herself and the detailed story she was fabricating to three days of intense grilling by the members of the Senate Judiciary Committee—all under threat of perjury.

The proof offered for this extraordinary case of mistaken identity is that the girlfriend in question, Susan Hoerchner, who was a Yale Law School classmate of Hill's and is now a workers' compensation judge in Norwalk, California, told authorities that she recalled that it was in the spring of 1981 that Hill had first mentioned being harassed—and the spring of 1981 was several months before Hill first started working for Thomas, at the Department of Education. Therefore, Brock concludes, Hill must have been referring to an earlier harasser at an earlier job, whom Hoerchner later confused with Thomas.

The possibility that when Hoerchner was recalling a conversation that had taken place a decade earlier she got the date of the conversation wrong by a few months is not explored. Brock did not interview Hoerchner

or her attorney, Ron Allen; if he had, he would have learned that when she was first contacted and interviewed by the F.B.I. Hoerchner characterized the date of her phone conversation as "a wild guess," and was therefore reluctant to supply it. In her later sworn testimony, she said three times that she simply could not pin down the date of the conversation with any certainty—a statement that Brock interprets as reflecting a belated realization that the pieces of her story weren't adding up. What she was certain about, however, and what she swore to under oath, in testimony not included in this book, was that Hill "had gone to work for Clarence Thomas in the Department of Education before she mentioned any problems with harassment."

On the fragile foundation of a shaky date a mighty fortress of intrigue is built. The plot gets so much more convoluted before Brock's version of Anita Hill's "untold story" is over that the book produces a kind of absurdist effect, giving us more the surreal Anita Hill than the real one. Probably the most egregious, and certainly the most sensational, of the book's distortions serve to reconstruct Hill's image into that of a wanton sexual tease, coming on to her students in bizarre ways and engaging in kinky sexual conversations—allegations that are useful to Brock as a way of explaining how Hill was able to fabricate the details of her charge against Thomas. For the most part, Brock bases these ad feminam attacks on anonymous sources, thereby making them impossible to evaluate; but an examination of one of the few instances in which sources are named does not inspire faith in his reportorial methods.

He writes that when Hill was teaching law at Oral Roberts University, in Tulsa, she once returned several students' papers to them with what appeared to be a dozen or so pubic hairs sprinkled through the pages. The pubic-hair motif, of course, echoes Hill's testimony that Thomas once picked up a Coke can in her presence and asked, inexplicably, "Who has put pubic hair on my Coke?" The term-paper story is attributed to a former law student, now a Tulsa attorney, named Lawrence Shiles. Brock writes that, despite qualms in the Justice Department, "Shiles took it upon himself to swear our an affidavit" about the pubic hairs, which "he filed with the Judiciary Committee under no pressure from the divided Thomas camp in Washington." A corroborative witness, named Jeff Londoff, is also mentioned in the affidavit. Brock says that Londoff, "while he could not be sure of their source . . . corroborated the affidavit and said virtually the same things about the hairs in an interview: 'They were short, coarse, and curly.'"

But in a recent interview Londoff, who is now an attorney in St. Louis, told us a different story: "The whole thing was just a joke—how the hell would anyone know whether it was pubic hair or not? The lady's black, you know; she's got kinky hair. Or it could have come from an assistant, too. But some Senate aide kept faxing me these affidavits trying to get me to sign them saying it was pubic hair. The must have called me ten or twelve times. They wanted to put as much crap down on her as they could. I think they were looking for anything they could find, but the affidavit was so one-sided I refused to sign." This is from a source Brock describes as providing corroboration.

As for Shiles, Londoff, who considers himself a good friend, said of him, "You have to understand, Larry has different views about black and while [people]. He's a great guy,

but he's from down South, if you know what I mean." Moreover, "Larry had a problem with Professor Hill for a number of reasons—he didn't do too well in her class." And Brock's assertion that Shiles came forward on his own is disputed by Shiles himself. "I was hunting with my son way up in Rifle, Colorado, when my wife called at midnight on a Saturday night at the motel where we were staying. She said someone from Hank Brown's office"—Brown is the Colorado Republican senator and serves on the Judiciary Committee—"was trying to reach me." Shiles told us. After eliciting the pubic-hair story, the staffer searched through the Martindale-Hubbell Law Directory for the nearest law firm and arranged for Shiles to have an affidavit notarized there on Sunday morning so that it could be used in the hearings.

These are not insignificant differences. By exposing Brock's eagerness to distort a puerile student joke into a corroborated instance of seriously strange behavior, they fundamentally undermine his characterization of Anita Hill. The Republican members of the Judiciary Committee considered Shiles' affidavit too risky to use. In the absence of any corroboration—despite strenuous efforts to get Londoff to confirm the story—they discounted it. Their judgment is evidently not shared by Brock.

Brock's thesis that Hill accused the wrong man rests on his assumption that she must have had someone else in mind when she first discussed the problem with Susan Hoerchner. So he posits that Hill made up an earlier harassment experience, and he endows her with a motive for doing so: he suggests that she invented such an experience in order to cover up her failure to thrive at Wald, Harkrader & Ross, a Washington law firm, now defunct, that she went to work for, as a junior associate, after Yale. Brock uses this alleged incident to establish that Hill had a "proclivity to use harassment . . . as an excuse for her personal and professional problems," and suggests that she repeated this behavior when she charged Thomas. Brock's argument requires him to prove that Hill was, in fact, failing at the law firm, and was thus in need of a cover story. He stakes quite a lot on this notion, asserting at one point that "the most critical misrepresentation" Hill made during the hearings was her denial that she had been asked to leave the law firm.

That assertion, unlike many in the book, at least has a named source: a former Wald, Harkrader partner named John Burke. Burke states, in an affidavit submitted to the Judiciary Committee, that Hill was indeed in trouble at the firm, and that he told her it would be in her best interests to seek employment elsewhere. What Brock does not mention is that, according to three partners who have searched the firm's records—Robert Wald, C. Coleman Bird, and Donald Green—they give no indication that Hill ever worked on any legal matter with John Burke. This makes it highly unlikely that he would have had any role in evaluating Hill's work, much less that he would have taken it upon himself to ask her to leave the firm. Moreover, these two partners say that Hill's associate evaluations do not indicate unsatisfactory work. Interestingly, the records do show that Burke worked with another black female associate, in the same class at the firm as Hill, and that this associate was performing so unsatisfactorily that she was asked to leave the firm. Brock fails to present readers with the embarrassing possibility that Burke had in mind the wrong

black female associate. Nor does he consider how unlikely it would have been for the firm to dismiss both of its first-year black female associates. Burke is a respected member of the bar, and a liberal with no ideological axe to grind, but there is another reason to question his memory: at the time he submitted his affidavit about Hill, Burke called Jeffrey Liss, another former partner, who he thought was present during his talk with Hill, for confirmation. Liss says that he told Burke he had no memory of it.

Brock stretches this thin story line even further: he suggests a deliberate coverup on the part of those who dispute the contention that Hill was asked to leave, including the firm's founder, Robert Wald, who is a well-known liberal lawyer in Washington. To prove that Wald is part of a liberal conspiracy, Brock discloses triumphantly that Wald's wife, Patricia, a prominent federal judge (she was on President Clinton's short list for Attorney General), "was close to" Anita Hill's sympathizer Senator Paul Simon. But, alas for conspiracy buffs, both Senator Simon and Judge Wald agree that they have never met.

By page 297, Brock's speculation has hardened into fact, and he is referring to Thomas as "the man who had saved [Hill] from the indignity of being fired at Wald, Harkrader." Without any evidence that Hill ever filed a complaint or accused anyone other than Clarence Thomas of sexual harassment, Brock has turned a harassment episode which only he knows about, designed to cover a failure no one can prove, into a "pattern of complaints about harassment" on Hill's part, which he then uses to explain her charges against Thomas.

Hill's alleged invention could not have succeeded, in Brock's account, without the support of a conspiracy of anti-Thomas partisans. By far the most successful section of Brock's book is its discussion of the behind-the-scenes political pressure that forced Hill to come forward. The reason the reporting is so much more thorough here than elsewhere may be that it is largely based on the special counsel's report on the leak—a document that was itself based on hundreds of interviews. But even with all this assistance, Brock manages to write an unbalanced conclusion from the facts. He decries the existence of a "Shadow Senate," which he describes as a "loose coalition of special-interest lobby groups, zealous Senate staffers, and a scandal-hungry press corps . . . who organized . . . the opposition to conservative judicial nominees." This nexus is unquestionably important. But Brock scarcely mentions its counterpart, the well-funded conservative coalition, backed in part by the same foundations that have supported his book, which worked had in glove with the Bush White House in a campaign to generate support for Judge Thomas. In any event, the issue of who leaked Hill's testimony does not bear on the question of whether the substance of that testimony was fabricated.

Among Brock's more extraordinary theories is that all of Hill's four corroborating witnesses were either confused or lying. After Hoerchner, he takes them on one by one. When he is done, he declares that Hill's case was "unsubstantiated and unsupported by any co-worker, or anyone else." But interviews that we conducted with all four corroborating witnesses (none of whom appear to have been interviewed by Brock) and a fair reading of the hearing transcripts leave no doubt that Hill confided both the nature and the source of her harassment problem to a number of people at the time it

was happening. And Brock unwisely and incorrectly assumes that the four people who testified to this constitute the whole universe of people she told.

Brock levels one of his nastiest attacks against Angela Wright, a woman who worked under Thomas at the Equal Employment Opportunity Commission until he fired her. Wright spent the weekend of the hearings in her lawyer's office in Washington and in an Arlington, Virginia, motel room, waiting to testify that Thomas had also made sexually inappropriate comments to her at work, asking her breast size at one point, and admiring the hair on her legs at another. She is obviously in a position to counter Brock's argument that no other women have ever had similar complaints about Thomas. In what is apparently an effort to undermine Wright's credibility, Brock stresses that she refused to submit to an F.B.I. interview. But according to her attorney James G. Middlebrooks, Wright was interviewed by two F.B.I. agents, Linda McKetney and Leslie Fairbairn, of the agency's Washington Metropolitan Field Office, between 1:30 and 3 p.m. on Saturday, October 12th. Brock also claims that the statement Wright submitted to the Senate Judiciary Committee was not sworn, and he upbraids National Public Radio's legal-affairs correspondent, Nina Totenberg, for stating otherwise in a speech at Stanford. Totenberg and the rest of the media were, in his view, irresponsible in giving Wright any coverage at all, since, he argues, "ordinarily, one would not credit such unsworn statements as Wright's by publicizing them further." But Wright's statement was sworn. She signed a legal affidavit under oath that her statement was true and accurate, thus giving it the same legal status as sworn testimony before the Judiciary Committee. According to Wright, Brock never attempted to get in touch with her to ask about this or about anything else.

All nonfiction books contain errors, but this book is unusual in the extent to which its key arguments are based on them. For example, in confronting the problem that Hill passed a polygraph test Brock suggests that Paul Minor, the man who conducted it, was inexperienced, quoting a competitor of Minor's as saying, "I don't think he's run that many tests." But Minor was a full-time polygraph examiner for the federal government from 1972 until 1987, when he retired as chief of the F.B.I.'s polygraph division. When Brock raises the issue of whether Senators Howard Metzenbaum and Paul Simon, both Democratic members of the Judiciary Committee, had something to hide from the special counsel investigating the leak, he asserts that they both "refused to be interviewed" by the special counsel. But each was interviewed for over an hour. Brock asserts, no fewer than four times, that the feminist law professor Catharine MacKinnon (whose name he misspells) "advised Anita Hill before she testified"—assertions that appear to be an effort to buttress the claim that radical feminists helped Hill to concoct her story. But MacKinnon adamantly denies that she advised Hill, either directly or indirectly, and so do Hill's lawyers. And, to give just one more example, in an attempt to provide Hill with a motive for cooperating with Senate aides who were out to get Thomas, Brock quotes two former employees of Thomas' as saying that Hill and James Brudney—the aide to Metzenbaum whom Brock accuses of leaking Hill's allegations to the media—were close friends. The friendship, one of these sources asserts, was in full bloom while Hill worked at the E.E.O.C.

Brock omits from the account, however, that the same source told Senate investigators that Brudney was working for the Senate at the time. But Brudney didn't work for the Senate until two years after Hill left Washington for Oklahoma, which raises questions about the sources' reliability. Brock's other source on the friendship is quoted as saying that Hill often talked of "having spent the weekend at [Brudney's] apartment, in Foggy Bottom I think it was." According to a spokesman for Brudney, he only saw and spoke to Hill once during the entire time they were both in Washington, when he bumped into her on the street. And he has never lived in Foggy Bottom.

At a certain point, a knowledgeable reader begins to wonder how many of these errors are innocent and how many are deliberate distortions. Although Brock carefully distances himself from the Republicans on the Senate Judiciary Committee, and even suggests that their tactics were at times unfair to Hill, his version of history has many of the earmarks of the original smear campaign. If anything, it is less principled, since he bases so much of his reporting—particularly the uncorroborated and mostly anonymous allegations from Oklahoma about Hill's sexual peccadilloes—on material that the Republican members of the Senate Judiciary Committee had at their disposal during the hearings but considered beyond the pale.

Given the fervor with which Brock and his funders have gone after Hill, what is most striking is how little they have found. Once the sources are evaluated and the contradictory evidence is considered, Brock's arguments evaporate into an amorphous cloud of ill will. It's understandable, and even laudable, that Thomas's supporters would want to clear his name from slander. And obviously, in order to do so, they must somehow deal with Hill. But then one might expect them to construct their case on the facts, rather than the other way around.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 25, 1994.

DEAR COLLEAGUE: Yesterday's "Dear Colleague" from Reps. Phil Crane and Dick Arney asserts that the fact that Jane Meyer and Jill Abramson "are in the process of writing their own book" on the Clarence Thomas-Anita Hill matter was "cleverly left out of the book review" that I circulated to my colleagues yesterday. Reps. Crane and Arney, gentleman both, allow that I was "probably not aware of this fact."

Gentlemen, I was aware of that fact because it was fully disclosed in the sixth paragraph of the book review:

"In the case of 'The Real Anita Hill,' this convention threatens to do a serious disservice to history. For more than a year, we have been researching a political history of the Thomas confirmation battle, interviewing many of the same people Brock has talked to, and many to whom, evidently, he hasn't. He is skilled at lining up facts to fit his agenda, and it's clear that a familiarity with the larger record, and a willingness to do independent reporting, is required in order fully to evaluate—and to correct—his account. So, before this important piece of American history is abandoned to the ideologues, a closer look should be taken at both Brock and his 'Real Anita Hill.'"

TRIBUTE TO HERMAN BELL

HON. ROBERT A. BORSKI

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 25, 1993

Mr. BORSKI. Mr. Speaker, I rise today to honor Herman Bell, who will soon retire after 38 eight years of exemplary service with the Philadelphia Public School System.

Mr. Speaker, Herman Bell has dedicated his life to creating an atmosphere for students which is both challenging and empowering. Emphasizing not only academic excellence but also personal integrity and self-esteem, Herman Bell has accepted and met all of the broad responsibilities associated with being an educator. He has worked to assume that the Philadelphia Public School System is linked with the community it serves through community service, home and school association meetings, and faculty conferences.

Herman Bell served as teacher, counselor, vice principal, and principal at the Key School in south Philadelphia, working there until 1982. He then assumed the position of principal at the Sullivan School in northeast Philadelphia, where he has worked for the past 11 years. His tenure has seen a marked increase in test scores across all school subjects. Also, he has instituted a curriculum which endeavors to insure that all students acquire necessary writing skills.

Herman Bell has been an invaluable asset to the Philadelphia Public School System, and the mark he has made will touch future generations, inspiring them to meet the challenges of their day.

TRIBUTE TO A LIGHT OF THE COMMUNITY

HON. DONALD M. PAYNE

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 25, 1993

Mr. PAYNE of New Jersey. Mr. Speaker, over this past weekend a program was held that honored Ms. Magnolia Etheridge, fondly known as Aunt Maggie or Mag. Ms. Etheridge has been a beacon in the Newark community for the past 50 years. She is actively involved in all aspects of the community. She has been a resident of South Eighth Street since 1959, where she has nurtured many generations of young people into adulthood.

She joined Mount Zion Baptist Church in 1937 where she has been an active participant in many of the church's organizations. She is a member of the Pulpit Aid Club, currently serving as its president. With the knowledge that the children are our future, she has taught Sunday School for more than 40 years always bringing a child along with her to church. She is also an active participant with the missionary society, presently working with the Sharing Our Bread Program.

Her extended family is large and loving and encompasses many more than blood relatives. Whenever there is a family emergency Maggie is the first one to be contacted. Everyone knows that she will know what to do. Many

have told me that she always has a cake in the freezer ready to take to whoever might need it, whatever the occasion.

Maggie is a senior citizen in numerical listing only. She is always on the run working to make the Newark community a better place for all she touches. I am glad to be able to say that Ms. Magnolia Etheridge is a member of the 10th Congressional District of New Jersey working closely with our youth to form the intergenerational bonds that are so greatly needed. Thank you Aunt Maggie for caring and sharing so freely to make the community great.

Mr. Speaker, I ask my colleagues to please join me in saluting Ms. Etheridge as her family and friends saluted her last weekend.

INTRODUCTION OF LEGISLATION REGARDING A UNITED STATES-CHINA BILATERAL HUMAN RIGHTS COMMISSION

HON. JIM LIGHTFOOT

OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 25, 1993

Mr. LIGHTFOOT. Mr. Speaker, today I am introducing legislation authorizing the President to enter into agreement with the Peoples Republic of China to establish a United States-China Bilateral Human Rights Commission.

Although Members of Congress may disagree on the policy prescriptions, no one disputes the fact there are serious human rights abuses in China. Some in Congress have gone so far as to propose legislation which would renew MFN this year but condition next year's renewal of MFN to noble, but unrealistic goals.

I believe tying MFN to China with unrealistic conditions simply harms those we are trying to help. Revoking MFN to China will not greatly harm the butchers who ordered the attack at Tianenmen Square. But it will harm Americans whose livelihood depends on trade with China, it will hurt the people of Hong Kong who are attempting to negotiate the delicate transfer to Chinese authority, and it will hurt, most of all, the Chinese citizens who are experiencing economic freedom.

My bill authorizes the President to establish a bilateral human rights commission between the United States and China. The United States commissioners would include Government officials with expertise in human rights, activists in Chinese human rights, jurists, religious leaders, and business persons. The duties of the commission would include investigating and resolving human rights abuse cases and monitoring human rights in both countries, using as the standard the International Covenant on Civil And Political Rights. For those of you unfamiliar with this covenant, it was once described by Secretary of State Warren Christopher as, "the most similar in conception to the U.S. Constitution and Bill of Rights." Finally, the bill would also call for the opening of offices in both countries manned by permanent staff.

I do not intend this bill to be a cure-all for the issues separating our two counties. The

leaders of China today suppress human rights, pursue mercantilist trade policies and their arms sales could lead to the destabilization of many parts of the world. But we must pursue policies which are appropriate to each separate issue and offer a realistic hope of real results.

I believe a bilateral human rights commission between our two counties is a reasonable start to solving a difficult problem. Coupled with playing a major role in admission to GATT and our role in deciding whether the Olympics in the year 2000, the United States is in a position to have positive influence on change within China. Given the fact that Australia now sends annual, high level delegations to China to discuss human rights, I believe the time has come to aggressively explore this alternative.

BASEBALL HIRING

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. RICHARDSON. Mr. Speaker, I am delighted by major league baseball's recent decision to appoint Sal B. Artiaga as president of the Arizona Fall League [AFL]. As one who has urged baseball executives to hire more minorities in management positions, I must commend major league baseball for selecting Mr. Artiaga who is of Hispanic descent for this important position in the AFL.

Mr. Artiaga was an executive of the National Association, the governing body of the minor leagues, for 10 years, serving as president the final 3 years. Before joining the National Association, he spent 15 years in key scouting and minor league positions with the Cincinnati Reds during a period when the Reds won six division championships and two World Series. He began his baseball career in 1955 as the assistant business manager of the El Paso club of the Texas League.

As a native of my home State of New Mexico, I personally congratulate Mr. Artiaga and urge my colleagues to join me in wishing the new president of the AFL the very best during his new assignment.

CELLUS AND GAYZELLE PENTON CELEBRATE THEIR GOLDEN WEDDING ANNIVERSARY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. STARK. Mr. Speaker, on May 29, 1993, Cellus and Gayzelle Penton of Oakland, CA, will celebrate 50 years of marriage together. I want to take a moment to share with my colleagues some details about their remarkable lives together in the community I have the honor to represent.

Mr. and Mrs. Penton are both from Louisiana and were married during World War II, when Cellus served as a sergeant first class both stateside and in Europe until 1945. The

couple moved to Oakland, where Cellus worked at the Alameda Naval Air Station for 32 years until his retirement in 1978. They have been Oakland residents for 47 years and active members of Phillips Chapel in Berkeley for 46 years.

Gayzelle was an active homemaker and served as president of the local PTA. In 1959, she started the first noon supervision program using parent volunteers, a plan that was adopted by the Oakland Board of Education. She retired in 1980 after 21 dedicated years of working for the safety and education of Oakland children.

Cellus and Gayzelle have three grown daughters, Jacqueline Austin, Cynthea McKinzie, and Claudia Penton, and three grandchildren, Brian, Joslyn, and Julayne. They are widely regarded back home as fine parents and role models. We can all learn something, Mr. Speaker, from the dedication they have shown to each other, their family, and community. I ask my colleagues to join me in offering them a hearty congratulations as they celebrate 50 happy years together.

TRIBUTE TO MAJ. GEN. MICHAEL D. PAVICH

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Maj. Gen. Michael D. Pavich, who will retire effective July 1, 1993, after 29 years of dedicated service to the U.S. Air Force. General Pavich has been commander of the Sacramento Air Logistics Center at McClellan Air Force Base in Sacramento, CA, for the past 2½ years.

A native of Salt Lake City, UT, General Pavich graduated from the U.S. Air Force Academy in 1964, with a bachelor of science degree in military science, and was commissioned a second lieutenant. After pilot training, he flew RF-4C Phantoms at Shaw Air Force Base, SC, and at Udorn Royal Thai Air Force Base. He completed 100 combat missions over North Vietnam.

After an assignment at Mountain Home Air Force Base, ID, the general attended the Air Force Institute of Technology at Wright-Patterson Air Force Base, OH, graduating in July 1972, with a master of science degree in aerospace engineering.

In 1975, General Pavich completed Armed Forces Staff College, after which he returned to Shaw Air Force Base as operations officer and then commander of the 62d Tactical Reconnaissance Squadron. In 1979, he completed the National War College and was subsequently assigned to the Air Force Academy as deputy commandant for military instruction.

In November 1980, he returned to the Ogden Air Logistics Center in Utah as chief of the Aircraft System Management Division, Directorate of Materiel Management. An assignment at the Pentagon followed, as director for Theater Force Analyses under the Assistant Chief of Staff for Studies and Analyses. He then returned to Ogden as director of Materiel Management.

During a 3-year assignment at Wright-Patterson, General Pavich served first as commander of the Logistics Operations Center, Air Force Logistics Command, then as Deputy Chief of Staff for Materiel Management.

General Pavich's present assignment at Sacramento began on November 6, 1990. Under his dynamic leadership, the center was presented several notable awards. His dedication to a quality force drove the achievements which resulted in the award of the 1991 Quality Improvement Prototype Award. The center's visibility as a modern, efficient, high-technology aerial depot earned the general and the center the Thomas P. Gerrity Logistics Award and the General Thomas D. White Environmental Pollution Prevention Award.

Additionally, General Pavich's hands-on management style ensured effective and efficient logistics support and greatly enhanced the operational capability of the U.S. Air Force during the Persian Gulf conflict. The unprecedented mission-capable rates of aircraft and systems supported by the Sacramento Air Logistics Center were significantly enhanced by General Pavich's exemplary foresight and initiative.

General Pavich's military awards and decorations include the Distinguished Service Medal, the Legion of Merit, Distinguished Flying Cross with oak leaf cluster, Meritorious Service Medal with two oak leaf clusters, the Air Medal with 9 oak leaf clusters, and the Air Force Commendation Medal. The extraordinary leadership, outstanding dedication, and ceaseless efforts of Maj. Gen. Michael D. Pavich culminate a distinguished career in the service of his country and reflect great credit upon himself and the U.S. Air Force.

THE SPORTS STANDARDS ACT OF 1993

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. EDWARDS of California. Mr. Speaker, today I am reintroducing legislation which addresses a narrow but important problem faced by sports organizations in the United States. That problem is the threat of antitrust litigation which athletic governing bodies constantly face when they set standards of competition. I have redrafted the bill, the Sports Standards Act of 1993, to clarify its application to this issue.

The goal of the Sports Act of 1993 is to promote the administration of sports competition by protecting qualifying sports organizations from needless litigation over the setting of equipment standards and rules of competition.

In addition to promoting their sports, governing bodies often adopt official rules of competition, which frequently include equipment standards. No one would argue against an organizing body setting the standards of competition for its sport. After all, competition is meaningless unless it is based on a consistent set of rules.

Setting rules can require a sports organization to consult with other international rule-making organizations to ensure that inter-

national and national competitions are conducted under the same set of rules. Unfortunately, it is this consultation which has landed some of these sports organizations in court, defending against charges of participating in unlawful conspiracies in restraint of trade.

Manufacturers of nonconforming equipment have filed suit against sports organizations alleging that these consultations constitute antitrust violations. The rulemaking bodies must then spend enormous sums to defend their legitimate actions in court. To cite just one example, the U.S. Golf Association has had to defend itself against the golf shoe and golf club manufacturers which produced equipment which did not meet USGA's standards for its championships—standards that had been established as a result of consultations with the USGA's counterpart in the United Kingdom.

This is an unfair burden on organizations which set rules solely to preserve the integrity of their sport, not to keep manufacturers out of a particular market. Moreover, the threat of these suits discourages the consultation necessary to maintain uniform competitive conditions both here and abroad.

My bill would simply clarify that a nonprofit sports organization, which functions as the rulemaking body for all competition in the sport, is exempt from liability for consultations with other national and international rule-making bodies and for actions taken pursuant to such consultations concerning rules and equipment standards for national and international competition.

The bill's protection would extend only to not-for-profit charitable corporations which have as their purpose the advancement of athletic competition. It would not affect the liability of any for-profit corporation for any action that may be in violation of the law. Nor would it protect not-for-profit organizations from other independent claims arising from improper dealings with, for example, a particular equipment manufacturer.

Mr. Speaker, athletic competition requires that someone make the rules of play. Governing bodies for sports organizations are formed in large part to perform that function. However, those who serve on these organizations cannot be free to adopt proper rules with the constant threat of antitrust litigation hanging over their heads every time they consult with another national governing body in search of a common standard. The Sports Standards Act of 1993 would remove that threat and let these organizations go about the business of promoting and organizing competition.

FOR THE RELIEF OF THOMAS
PARNELL McNAMARA, JR., AND
MICHAEL PATRICK McNAMARA

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. EDWARDS of Texas. Mr. Speaker, today, I am introducing legislation for the relief of Thomas Parnell McNamara, Jr., and Michael Patrick McNamara, to have their position as intermittent deputy U.S. marshals converted to deputy U.S. marshals. They are pre-

vented from becoming deputy U.S. marshals due to the maximum age limit. The legislation I am introducing will waive the maximum age limit allowing Parnell and Michael McNamara's position to be upgraded to deputy U.S. marshals.

For all practical purposes, the McNamara brothers have served for 22 years in the capacity of deputy U.S. marshals. As teenagers they were hired in 1963 by the U.S. Marshals Service as Federal guards to transport prisoners, provide courtroom security, and guard Federal grand juries. The McNamara's continued in this capacity until 1970, when they were sworn in as intermittent deputy U.S. marshals. Parnell was 24 years old when he was sworn in and Michael was 23. For the past 22 years they have performed the duties of full time career status deputy U.S. marshals in Waco, TX.

Parnell and Michael McNamara have been exceptional intermittent deputy U.S. marshals winning many awards. From 1985 to 1991, both Parnell and Michael received each year the Special Achievement Award for Sustained Superior Performance of Duty. In 1987, they both attended the U.S. Marshals Academy at the Federal Law Enforcement Training Center in Glynco, GA, and received the highest honors in academics and firearms training. The highest award an intermittent deputy U.S. marshal can receive, the Director's Award for Enforcement was bestowed on Parnell and Michael for their investigative work on the case of serial killer Kenneth Allen McDuff.

Every requirement for becoming a career status deputy U.S. marshal has been satisfied by Parnell and Michael McNamara. The only obstacle is the maximum age limit for deputy U.S. marshals. As their record shows, these men are highly skilled and very experienced. Since they have served as deputy U.S. marshals in practice, it is only fitting that Parnell and Michael become deputy U.S. marshals in fact.

TRIBUTE TO JOHN WILSON

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. WALSH. Mr. Speaker, all of us at one time or another have walked into a room and met someone for the first time we immediately liked. That experience recently happened to me when I attended a hearing of the Subcommittee on the District of Columbia and was introduced to John Wilson, council chairman of the District of Columbia government.

I must admit that John knew more about my background than I did of his. He teased me about the amount of snow we get each year in my hometown of Syracuse, NY. He talked easily and graciously about the wonderful basketball rivalry between the Georgetown Hoyas and the Syracuse Orangemen.

We had a common bond. He was the chairman of the D.C. Council and I had formerly been the president of the Syracuse Common Council. Both of us drew our strength and knowledge from local government. A bond of respect and friendship was immediately estab-

lished and I looked forward to its growth over the months ahead.

When the news came of John's death I was stunned and saddened like every citizen of this community. A light in the bell tower of life has burned out, leaving us in the dark. John Wilson, in my mind, was a dedicated public servant who desperately wanted to help the people he was elected to serve. His strong character and passion for justice should be a symbol to all of us who had the honor to know him.

We will miss you, John Wilson. You were what is so very right about America—someone who cared about everyone else first and never expected anything for himself.

To John's widow and family, my deepest sympathy during these difficult days.

MAYORS AS CITIZEN COSPONSORS OF THE FISCAL ACCOUNTABILITY AND INTERGOVERNMENTAL REFORM ACT OF 1993

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. GOODLING. Mr. Speaker, on March 10 of this year Congressman MORAN and I introduced the Fiscal Accountability and Intergovernmental Reform [FAIR] Act to help State and local governments alleviate their most crushing financial burden, unfunded Federal mandates.

As you know, this legislation is necessary to safeguard against a tendency within the institution and among Federal agencies to resort to more and more unfunded Federal mandates.

This bill would require that any legislation to be considered by the full House or Senate have an analysis of the costs of compliance to State and local governments and the private sector. This bill seeks to enforce provisions already included in the 1974 Budget Reform Act. Second, this legislation would require all Federal agencies to analyze the economic costs of new regulations before they are adopted.

Support for this legislation has been increased both in the Congress and among those who it will help the most, our Nation's civil leaders in State and local governments and small business.

Congressman MORAN and I have received letters from mayors all over the country expressing their support for the FAIR Act. Clearly, their support of this bill reflects the need for the Congress to reform the way it does business. Their support signals the beginning of a partnership between the Federal Government and State and local governments and small businesses.

In order to give our local government a stronger voice in this issue, we have decided to make these mayors "citizen cosponsors" of the FAIR Act. Mr. Speaker, I am submitting for the RECORD, the names of 20 mayors who have written to express their strong support for the passage of the FAIR Act.

REPRESENTATIVE GOODLING "CITIZEN
COSPONSOR" LIST No. 2

Name, city, and State:

1. Steve Means, Gadsden, AL.
2. Patricia Boom, San Ramon, CA.
3. Nancy Gore, Concord, CA.
4. Angelo R. D'Agostino, Meriden, CT.
5. Julio Martinez, Hialeah, FL.
6. Lawrence J. Kelly, Daytona, FL.
7. Frank Fasi, Honolulu, HI.
8. Larry Serbousek, Cedar Rapids, IA.
9. Verne Hagstorm, Quincy, IL.
10. Erik C. Brechnitz, Decatur, IL.
11. Mark J. Lawler, Anderson, IN.
12. Jordan Levy, Worcester, MA.
13. Paul P. Gordon, Fredrick, MD.
14. Jon Grant, Farmington Hills, MI.
15. Stephen Rice, Sterling Heights, MI.
16. James Scheibel, St. Paul, MN.
17. Pete Sferrazza, Reno, NV.
18. Jimmy Dimora, Bedford Heights, OH.
19. Edward G. Rendell, Philadelphia, PA.
20. Bob Smith, Garland, TX.

FORT WORTH, TX, NAMED ALL-AMERICAN CITY

HON. MARTIN FROST

OF TEXAS

HON. PETE GEREN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. FROST. Mr. Speaker, as Congressmen representing the city of Fort Worth, TX, we want to share with the House of Representatives our pride in announcing to this body that Fort Worth has been named one of only 10 1993 All-American Cities.

As many of our colleagues know, the All-American City designation is the most prestigious award given to cities in our Nation. It recognizes not only city governments that work, but communities that work together.

In naming Fort Worth an All-American City, the National Civic League recognized Fort Worth's innovative "Code: Blue" crime fighting and neighborhood planning programs. "Code: Blue" has brought the police department, the housing authority, youth groups, and churches together, fighting crime as it occurs and, more important, instilling pride and self-esteem within the community. It is a wonderful example of combining public policy with public spirit to give citizens a stake in their community and a reason for making it better.

We both grew up in Fort Worth, so we're, of course, proud of our city regardless of what awards are won. However, Fort Worth's All-American City designation and its "Code: Blue" Program represent local government and citizen cooperation at its best and should indeed be recognized publicly before this body.

TRIBUTE TO LOIS AND RICHARD GUNTHER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. BERMAN. Mr. Speaker, we rise today to pay tribute to Lois and Dick Gunther, our close and esteemed friends for many years. Their

contributions to the Jewish community of Los Angeles are legion. For more than 40 years Dick and Lois have selflessly involved themselves in service organizations here and in Israel.

The honor they are receiving this evening from the New Israel Fund typifies both their passion and sense of commitment about Israel. Over the years we have had many conversations with Lois and Dick about Israeli politics, Israeli society, and the Middle East in general. We have felt fortunate to have the benefit of their learned opinions and wise counsel.

That this award is being given in conjunction with the celebration of the 45th anniversary of Israel's independence is extremely appropriate. Few people have served the advancement and security of Israel more selflessly and energetically than Lois and Dick.

Together, the Gunthers have been involved with the Brandeis-Bardin Institute, Dick was president, Lois a member of the board and the Council on Jewish Life, Dick was founding chairman.

Their separate activities are no less impressive: Dick was cochair of Operation Exodus, is a member of the national boards of Mazon, Nishma and the joint distribution committee, serves on the executive committee of the California-Israel Economic Exchange and is co-authoring a book on aging in America.

Lois was past president and is a current member of the board of Jewish Family Service of Los Angeles, former chair of the Inter-religious Committee on the American Jewish Committee and serves on the advisory board of Hebrew Union College School of Jewish Communal Service.

We are honored by our long and valued friendship with these two outstanding individuals and proud to ask our colleagues to join us today in paying tribute to their tireless and dedicated service to the New Israel Fund and to the Jewish community of Los Angeles.

CYNTHIA BYRD: "OUTSTANDING TALENT"

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. MICHEL. Mr. Speaker, I would like to bring to the attention of my colleagues the exceptional accomplishment of one of my constituents, Cynthia Byrd of Illinois Central College.

Cynthia was 1 of the 20 students chosen to the All-USA Academic First Team for community and junior colleges. Here dedication and achievements in the classroom and community are commendable.

At this time I would like to insert into the RECORD an article by Pat Ordovensky of the USA Today, "Outstanding Talent From 2-Year Campuses," and congratulate Cynthia for this award.

"OUTSTANDING TALENT"

(By Pat Ordovensky)

Twenty students today are named to the All-USA Academic First Team for Community and Junior colleges as representatives

of outstanding academic talent on the nation's two-year campuses.

First Team members, whose photos appear on this page, win a trophy and \$2,500 from USA TODAY. Presentations will be today in Portland, Ore., at the American Association of Community Colleges' convention.

Another 46 students, whose names appear below, make the Second Team, Third Team or honorable mention.

"We give these awards to remind the nation that outstanding talent is not confined to four-year colleges," says USA TODAY President Tom Curley, who will present the awards. "We encourage academic achievement wherever it exists."

Today's winners were selected by a panel of educators assembled by Phi Theta Kappa, honorary society for students on two-year campuses.

Judges considered grades, leadership roles on and off campus, community and public service and academic awards. Heavy weight was given to a student's essay describing a highlight of the two-year college experience.

Several winners "used two-year colleges to get back into the educational system, and they seemed genuinely surprised by the success they've had," says judge Shanda Ivory, the National Association of College Admission Counselors.

HEALTH CARE REFORM: DON'T JUST DO IT—DO IT RIGHT!

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. STARK. Mr. Speaker, I would like to share with my colleagues a recent editorial from the New Yorker magazine that says with a single-payer system we "can have more, better, and cheaper, all at once." The editorial supports a Canadian style single-payer plan, but warns that it probably is not politically or intellectually feasible for this country.

The seeds of reform are planted. But no one is absolutely certain which reform the majority of Americans prefer and support. I believe the plan ultimately adopted will blend the best aspects of several different systems. It doesn't matter what is called—single payer, managed competition, pay or play—as long as it provides equal access to adequate affordable health care for everyone. Health care reform is an idea whose time has come: Let's do it and do it right.

THE WRONG PRESCRIPTION

Hilary Clinton's report on what to do about doctors and their bills isn't due for another few weeks, but, reading the magazines and newspapers about the "health-care crisis," you get the impression that the real culprits have already been identified. It's those damn patients, with their incessant whining about their aches and pains, and their insistence on showing up at emergency rooms at all hours of the night, clamoring for help, who are really screwing things up. Newsweek recently devoted a couple of columns to this crisis, offering sorrowful tales of doctors forced to examine people who, it turned out, weren't even that sick. The New Republic suggested darkly this week that the only way to fix American medicine was to impose a strict "bare-bones" system (odd metaphor) on all those "middle-class" peo-

ple, who presumably get operations for the fun of it.

Of course, overdoctoring is an American problem—one created mostly by the claims to omniscience that the medical guilds have been promoting for more than half a century. But the real reason for the current fantasy of doctor abuse by patients is simpler. Someone is going to have to do with less if American medicine is going to be fixed, and it will have to be either the patients or the "providers"—the insurance companies, the hospitals, and the doctors. Guess who's been talking to Mrs. Clinton's task force.

The biggest irony of American health care is that this is one of the very few "crises" in which there are—intellectually, at least—no hard choices. The pile of evidence that a "single-payer" system, in which the government serves as the insurance company—the Canadian system—works better than any other is by now so high that it is almost embarrassing to have to reassemble it here. The General Accounting Office has published a study that showed we could save sixty-seven billion dollars a year by adopting the Canadian system. That sum alone would come close to meeting the cost of covering the thirty-seven million uninsured Americans. Canada's medical expenditures are about nine percent of its G.N.P., compared with ours, which are about twelve percent of the G.N.P., and in the two most crucial public-health indicators—life expectancy and infant mortality—Canada is ahead of us. As the Times noted recently, ninety-five percent of Canadians report having received within twenty-four hours all the care they needed, and public support for the program remains at around ninety percent. Nor is this a case where you sacrifice efficiency for social welfare. (Even in Barron's, Wall Street's trade papers, it has been conceded blandly this week that Canadian health-care costs are lower because a single-payer system is always more efficiently administered.) This is a case where you can have more, better, and cheaper, all at once. But it seems certain that we won't get a Canadian-style system. The real reasons for this failure are two—one political, the other intellectual. Taken together, they paint a depressing picture of political intimidation and ideological paralysis.

The political reason is obvious. The people who would benefit from a Canadian-style system, which is to say just about everybody, don't have concentrated political power. Those who would lose, which is to say the insurance companies, are unapologetically prepared to do whatever it takes to make sure that health insurance will remain their monopoly. They'll spend hundreds of millions of dollars of their clients' money on ad campaigns (that is, scare stories with slogans) and political contributions. The battle against them isn't winnable, and so isn't worth fighting.

But there is also, even in enlightened circles, a conviction that "market competition" is such an unqualified good that there must be some way for its therapeutic virtues to be brought to bear on this problem. A lot of well-meaning thought on this subject is constricted by an ideological allergy—a kind of automatic intellectual response that idealizes the market system, and cuts off any pragmatic appreciation of what it does and does not do well.

Markets are terrific at creating goods and services, but they do it by distributing rewards according to price. People who have money get more of what's scarce than people who don't. Markets create winners and losers.

That's their job. The secret of markets is that they manage to create so much of everything that a lot of the time the losers hardly know they've lost. It's not the gold medals that make capitalism endure. It's the consolation prizes.

But in the case of health care what the losers lose is their lives—or their well-being, or, at the very least, their peace of mind. To ask the market to fix this problem is to ask the market to do what it cannot possibly do: to create a system in which we all get just about the same amount of care—all the care we need. (We have come to accept that more money buys you more justice, but that is probably because relatively few of us ever have to buy justice. If each of us knew that around the age of seventy we would probably have to fight a capital case or two in court, we might feel differently about that system, too.)

What we seem likely to get from the Clinton task force is some version of "managed competition," a pseudo market system, which will probably institutionalize the insurance companies as the feudal lords of American medicine. Patients will be organized into big groups, in which they will most likely (in the case of the poor, quite certainly) have much less choice than they would have under a Canadian-style system. No one seriously expects that, given the quasi-monopoly that each organization will enjoy, there will be any serious price competition. When the Big Three ran the auto industry, they controlled prices very effectively, and no one imagines that compact health-care plans from Japan will ever penetrate (or even be allowed to enter) this market.

Watching the news these days, you notice a fearful symmetry between the entrenched Russian apparatchiks, who cannot understand, for the life of them, why if you simply give the command economy a kick here and there it will not be able to produce VCRs and minivans, and our entrenched apparatchiks, who cannot see why if you give the market a kick here and a jolt there it won't suddenly produce universal and equitable medical care. The two are the victims of the same syndrome—an insistence, born of ingrained ideological prejudice and the blindest kind of self-interest, on sticking to a system that long ago became too sick to cure.

INTERNATIONAL COUNTRY MUSIC FAN FAIR—1993

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. CLEMENT. Mr. Speaker, country music fans have the opportunity to see some of country's most popular entertainers as well as some exciting newcomers at the 22d Annual International Country Music Fan Fair. Fan Fair takes place June 7-13 at the Tennessee State Fairgrounds in Nashville.

Ronnie McDowell, the Kentucky Headhunters, Vince Gill, Lorrie Morgan, Holly Dunn and Alabama are just a few of the artists fans will see perform during the action-packed week.

Newcomers including Dude Mowrey, Tracy Byrd, the Gibson/Miller Band, and Tim McGraw will meet and greet over 24,000 fans. Also jumping wholeheartedly into the exhibit hall trenches will be Confederate Railroad,

Martina McBride, Stacy Dean Campbell and Pearl River, who are among several artists to have Fan Fair booths for the first time.

Fan Fair veterans Oak Ridge Boys, Ricky Skaggs, Eddy Raven, Janie Fricke, and Sweethearts of the Rodeo are among those returning to the exhibit halls to thank fans for their enthusiastic support. Legendary performers will also be in attendance, including George Jones, Kitty Wells, Jim Ed Brown and Skeeter Davis.

The tentative show schedule for the Fan Fair '93:

Monday, June 7: 7-10 p.m.—Bluegrass Show.

Tuesday, June 8: 10 a.m.—Noon—Curb Records, Al Wyntor/Katie Haas, Hosts, Hal Ketchum, Ronnie McDowell, Tim McGraw, Sawyer Brown, Six Shooter, Rick Vincent.

2:30-4:30 p.m.—Mercury Records, Billy Ray Cyrus, Kentucky Headhunters, Sammy Kershaw, Kathy Mattea.

7:30-9:30 p.m.—MCA Records, Run C&W, Host, Tracy Byrd, Mark Chesnutt, Mark Collie, Vince Gill, The Mavericks, Kelly Willis.

Wednesday, June 9: 10 a.m.—Noon—Liberty Records, Steven Curtis Chapman, Billy Dean, Ricky Lynn Gregg, Chris LeDoux, Pearl River.

2:30-4:30 p.m.—Warner Bros. Records, Jeff Foxworthy, Host, Billy Burnette, Holly Dunn, Little Texas, Dan Seals. Warner Western: Don Edwards, Bill Miller, Waddie Mitchell, Sons of the San Joaquin, Red Steagall.

7:30-9:30 p.m.—RCA Records, Darrell Waltrip, Host, Alabama, Shenandoah, Larry Steward, Lari White.

Thursday, June 10: 10 a.m.—Noon—Atlantic Records, Jerry Glanville, Co-Host, Neal McCoy, Co-Host, Confederate Railroad, Tracy Lawrence, John Michael Montgomery.

2:30-4:30 p.m.—Arista Records, Steve Wariner, Co-Host, Michelle Wright, Co-Host, Brooks & Dunn, Diamond Rio, Radney Foster, Alan Jackson, Dude Mowrey, Lee Roy Parnell, Pam Tillis.

7:30-9:30 p.m.—Columbia/Epic Records, Larry Boone, Bobbie Cryner, Joe Diffie, Gibson/Miller Band, Patty Loveless, Collin Raye, Ricky Van Shelton, Doug Stone, Joy White.

Friday, June 11: 10-11:30 a.m.—BNA Entertainment, John Anderson, Lorrie Morgan.

1-2:30 p.m.—Giant Records, Deborah Allen, Carlene Carter, Dennis Robbins.

Saturday, June 12: 10:30 a.m.—6 p.m.—Grand Masters Fiddling Championship, Opryland Park.

ROBERT E. LEE HIGH SCHOOL MUSIC DEPARTMENT TOPS CHART

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. HYDE. Mr. Speaker, I would like to salute an outstanding group of students from Robert E. Lee High School in Springfield, VA. On May 7, 190 students participated in the 1993 Invitational Music Festival held in Myrtle Beach and captured the winners circle.

Competing against schools within their division from the Midwest and east coast, members of the choirs, band and orchestra were rated superior and excellent and finished in first and second place.

Each of the Lee choirs participating were recognized for their musical achievements. An

excellent rating was awarded to the Men's Ensemble and the Women's Ensemble for their performances, and each choir's total point score was second highest in their division. The Madrigal Singers were awarded a superior rating—for their performance—from each of their three judges. The Ladies' Chamber Choir received a superior rating for their performance and claimed first place in their division.

A champion is determined in each of seven categories of competition by achieving the highest point total. This Champion Trophy epitomizes excellence in performance, and this distinctive recognition was awarded to the Ladies' Chamber Choir.

An outstanding accompanist award was presented to Beth Hochberg for her piano accompaniment of the Men's Ensemble.

Lee also walked away with the top instrumental awards. The Concert/Symphonic and Marching Band each received an excellent rating for their performance, with the Marching Band capturing second place. Separate awards were given for the Drum Line which won a superior rating, and Monica Waters received a superior rating as Drum Major.

The Wind Ensemble rated superior and earned first place honors with Kathy Stotz, bass clarinet, receiving an outstanding soloist award. The ensemble won the Champion Trophy in their division.

The orchestra also placed first with outstanding soloist awards presented to Sinbat Siraseranant and Amy Henschen. The First Violin Section received a separate award for the best in their category. The orchestra received the distinguished Champion Trophy.

This is the first year for Lee's Indoor Guard Team, and this group made a very impressive showing with a superior rating and receiving the second place award.

The musical achievements of these young men and women are a tribute to the success of the music programs in our schools. Credit for the success of these programs would be incomplete without recognizing the notable contribution of the directors, and Lee is fortunate to have three of the finest. Congratulations to Mr. G. Lindsey Florence, choral; Mr. John Crossin, band; and Jennifer Gehl, orchestra.

To each of the following students, I extend my warmest congratulations for a job well done and my best wishes for your success in your future endeavors.

Brent Aberant, Chrissy Albanese, Pam Albanese, Martha Allarding, Aimee Andre, James Ankrant, Kent Bailey, Karen Baisden, Andy Barrett, Andy Bays, Jennifer Bennett, Jessi Bennett, Kara Bennis, Kim Boots, Jessica Bosso, David Brewster, Beth Brown, Emily Buchanan, Chris Bucklew, Daphne Buehr, Beth Burgoyne, Meredith Canode, Cherielyn Carruth, Ana Ceberg, Ashley Chadwick, Brian Chapman, Alison Cherryholmes, Mi Won Choe, Tina Chun, Susan Clingerman, John Cole, Betsey Covert, Stephanie Daniels, Shalini Daswani, Jimmy Davis, Jul Davis, Rachel Dingcong, Sharon Dingcong, Megan Donner, Paula Donohoe, Rebecca Dosch, Kristen Dove, Kim Edwards, Dan England, Alisa Ersoz, Scott Evans, Stephanie Evans, Katie Farrell, Matt Fischl, Brandt Fletcher, Jen Floyd, Aaron Frazier,

Maggie Gailliot, Andy Gilbert, Mindy Gilpin, Stephani Gittinger, Rose Goldschmidt, Daniel Grobe, Mike Guillory, Kristin Gustafson, Shelly Gutierrez, Grier Hansen, Jen Hard, Julie Hard, Kelly Harvilla, Stephanie Hawk, Cappie Hempley, Emily Henrich, Amy Henschen, Josh Hiller, Heidi Hisler, Beth Hochberg, Matt Horner, John Housein, Nadiya Howard, Amy Huntington, Missi Hyman, Jen Ivey, Robbie Johanson, Leikny Johnson, Matt Johnson, Chris Jones, Rachel Kahn, Tricia Kay, Maridith Kenna, Kim Kersey, Gretchen Kilss, Paul Kim, Tim Kim, Andrea Kirkley, Ben Kley, Amy Ko, John Ko, Michelle Ko, Robert Koch, Brandi Kopp, Matt Koschmann, Megan Laver, Jennie Lawson, Yun-Yi Lee, Lesdy Lopez, Megan Mahoney, Sandy Martin, Debra McDonald, Ryan McKay, Holly Meeuwissen, Marilaine Miller, Tiffany Miller, Keith Moore, Tanya Moore, Rigel Moranchel, Courtney Morris, Jason Morrison, Clay Moulton, Joanna Murphy, Tara Murphy, Dan Nelson, Khoa Nguyen, Scott Niehoff, Sean Niehoff, Matt O'Neill, Mark Oh, Nicole Orton, Amy Oxley, Kristen Panzenhagen, Hae-Won Park, Stacy Parsons, Troy Peck, Becky Perkins, John Perrine, Chris Perry, Craig Phillips, Jenny Platt, Tara Pugh, Sara Reynolds, Tony Richey, Jennie Richmond, Amy Ridpath, Rebecca Riech, John Riekse, Darcy Roberts, Megan Ross, Scott Ross, Alice Rouse, Julie Ruffo, Darden Safley, Megan Safley, Keya Saifullah, Amy Saikowski, Stacy Sassano, Steve Sayounsat, Laura Scheip, Robbie Schell, Jennifer Schmiel, Elizabeth Sheets, Greg Shields, Kim Short, Nita Siraseranant, Patti Sizemore, Lavar Smith, Jared Snow, Carrie Spitale, Tori Stoops, Kathy Stotz, Michelle Stotz, Dorothy Sul, Christy Sylvester, Blake Thompson, Jason Thompson, Lia Thompson, Dia Tran-Trong, Veronica Vejar, Roberta Vickery, Ibt Vincent, Catheny Wang, Will Warner, Monica Waters, Sharon Weaver, Joe Wendel, Eddie Whitman, Becky Whittler, Brian Wickam, Jason Wills, Cathy Wong, Danny Wood, Carey Woodke, Caleb Wright, Carrier Wright, and Chris Zemba.

KILDEE SALUTES EDUCATOR
HOWARD HUGHES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to an outstanding educator, Howard Hughes. Howard is retiring after 27 years at Mott Community College in Flint, MI.

Howard has had a long and industrious career in the education field. A life-long resident of Flint, he graduated from the University of Detroit and began to demonstrate his skills at innovative education by piloting a common learnings program at Bryant Junior High School in the early 1960's. During this time he discovered a love for counseling students and decided to pursue this aspect of the education field. Howard earned a second master's degree from the University of Michigan and began working at Southwestern High School as a counselor and teacher of English.

At this time Howard became active with the Flint Education Association and participated in

the first teachers' strike in the State of Michigan. His involvement with the union followed him to his new position as a full-time counselor at Flint Junior College in 1965. He eventually became the president of the union.

During his career at Mott Community College, Howard has held many positions. He has held a faculty position, been the acting dean of arts and sciences, and vice-president of academic affairs. His professional involvements include leadership positions in counseling associations, SODAT, and the Grand Blanc High School Parents' Advisory Committee. The list of awards he has won is extensive and includes the Beta Psi Talented Tenth Award, the Mott Community College Apple Award for Outstanding Staff Member, and the Phi Delta Kappa honorary award.

I am proud to call Howard Hughes my friend. I have known him for several years and rely on his advice and judgment. He has not only inspired me but the thousands of students he has counseled over the years. He and his wife, Pat, instilled in their five children a love of education. All five have completed their college degrees and three have master's degrees. The field of education is losing a bright, committed individual as Howard retires after working 38 years in the field. I ask the House of Representatives to join me in wishing the best for Howard as he embarks upon his well deserved new career of rest and relaxation.

DR. DENNIS LITTKY, OF THAYER
HIGH SCHOOL, HONORED AS A
CHINA BREAKER

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. SWETT. Mr. Speaker, I rise today in honor of Dr. Dennis Littky, recipient of the RJR Nabisco Foundation China Breaker Award. The foundation annually honors a small number of educators as China Breakers for their pioneering efforts in the field of educational reform. This year, Dr. Littky, the principal at Thayer High School in Winchester, NH, will be recognized, along with 79 other educators, at RJR Nabisco Foundation's China Breakers Conference, June 20-23, in Leesburg, VA.

Dr. Littky was chosen as an awardee after a national competition because of his demonstrated leadership in implementing educational reform at Thayer High School. At the China Breakers Conference, he will join other principals, teachers, and administrators from throughout the country who also were singled out for the effective and innovative approaches they developed to facilitate teaching and learning in our Nation's schools.

Dr. Littky has transformed Thayer High School during his time as principle there. His efforts has earned him recognition, both in the NBC movie "A Town Torn Apart," and as New Hampshire Principal of the Year in 1993. Now, with his well-deserved selection as a China Breaker, Dr. Littky will join other pioneering educators at the 3-day summit in June to share their models for the successful restructuring of their local schools.

Mr. Speaker, educational reform is one of the highest priorities we face today. The efforts of innovative educators such as Dr. Dennis Littky must be closely examined, for they may hold the key to successful reform of our ailing educational system. The China Breakers Conference will allow individuals like Dr. Littky to introduce their ideas to a wider and, I hope, receptive audience. The future effectiveness of our Nation's education system depends on people like Dr. Littky who are willing to introduce and implement innovative reform measures to our Nation's schools.

THE REAL STORY?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. CRANE. Mr. Speaker, the new book authored by David Brock, "The Real Anita Hill: The Untold Story," has attempted to put to rest the endless vilification of Justice Clarence Thomas and the near canonization of Anita Hill that has taken place since Justice Thomas's confirmation hearings that took place in October 1991. The May 24, 1993 issue of the New Yorker, contains a book review circulated by Representative PAT SCHROEDER, "The Surreal Anita Hill," in which journalists Jane Mayer and Jill Abramson unabashedly attack Mr. Brock's work by saying that "he is skilled at lining up facts to fit his agenda." The duo goes on to say that, although the book has been praised by the likes of Thomas Sowell and George Will, as well as David J. Garrow, the biographer of Martin Luther King, Jr., this praise "threatens to do a serious disservice to history."

In the Sunday, May 23, 1993, Washington Times, American Spectator editor R. Emmett Tyrrell, Jr., attempts to set the record straight regarding the book review. Mr. Tyrrell points out that while Ms. Mayer and Ms. Abramson attack Mr. Brock's objectivity, they had their own Anita Hill book waiting in the wings.

I would like to submit for the record Mr. Tyrrell's article so that my colleagues may decide for themselves who is telling the real story.

[From the Washington Times, May 23, 1993]

ANOTHER CHAPTER ON THE 'REAL' ANITA

(By Emmett Tyrrell, Jr.)

The sudden appearance of a querulous review of David Brock's best seller, "The Real Anita Hill," in the current issue of the New Yorker magazine, presents me with an occasion to note a point of crucial import to all consumers of the news; to wit, journalistic ethics are almost nonexistent. Consider this review by two Wall Street Journal reporters, Jane Mayer and Jill Abramson (M&A). Journalistic ethics would demand of book reviewers a modicum of disinterestedness, but M&A are grievously compromised by self-interest.

For more than a year, M&A have themselves been at work on a book about *L'affaire Hill-Thomas*. Mr. Brock's book scoops them; and, unless one thinks the American people's curiosity about Anita Hill and Clarence Thomas is inexhaustible, it is a matter of the utmost self-interest for these reviewers to sink Mr. Brock's book. Hence, M&A expend awesome energy depicting Mr. Brock

as an "ideologue," politically biased and deceitful. They even pooch-pooch his claim to being an "investigative journalist" as though pursuant to that claim one must undergo some esoteric process of credentializing as does, say, a chiropractor. Actually, Mr. Brock's impressive journalistic output—along with this book—amply warrant the "investigative." As for political bias, Miss Mayer has demonstrated hers indelibly in her 1988 examination of former President Ronald Reagan titled "Landslide: The Unmaking of the President 1984-1988." "Unmaking" goes a bit far, does it not, in describing the 1988 condition of a president who left office with history's highest approval rating?

M&A are closet left-liberals, a type abundant in American journalism. They expose themselves by their proclivity for overreacting to a self-proclaimed conservative, referring to him as "ultra" or "extreme," and citing his conservatism as a mark of corruption, stupidity and general evil. That is how they have responded to Mr. Brock, but what is important about his discovery that Anita Hill has lied is not his politics nor his religion or sex or dietary quirks, but his facts.

M&A question his facts, but in doing so it is they who are deceitful or, perhaps, just stupid. For instance, they reprove him for relying at times on unidentified sources, but in Miss Mayer's "Landslide," I counted no fewer than 48 unidentified sources. That's journalism. Mr. Brock never claimed to be a historian. Journalists, just as David Brock and Jane Mayer, often resort to unidentified sources. That is why we call journalism a rough draft of history. But M&A are deceitful in more serious ways.

For instance, Mr. Brock has found that Susan Hoerchner, a key Hill supporter, misspoke to disastrous effect in testifying to the FBI that Anita Hill complained of Clarence Thomas' harassment in the spring of 1981. Miss Hill never worked for Justice Thomas until the fall. "The possibility that when Hoerchner was recalling a conversation that had taken place a decade earlier she got the date of the conversation wrong by a few months is not explored [by Mr. Brock]." M&A sneer. Yet, it is! Mr. Brock demonstrates that the conversation had to take place before Miss Hill went to work for Justice Thomas. He cites Miss Hoerchner's further testimony that she left for California about the time Miss Hill joined Clarence Thomas and did not speak with Hill for several years.

In challenging Mr. Brock, M&A fix their attention mostly on side issues of a subjective nature: Whether Mr. Brock's emphasis of Miss Hill's radical politics and sexual contretemps with students is overdone, whether a former law associate, John Burke, had sufficient authority to notify her that her work at their firm was unsatisfactory, necessitating her departure. Here the real issue is not Mr. Burke's authority but Miss Hill's veracity. She denied that she had been told her work was unsatisfactory. Mr. Brock identifies Mr. Burke, who signed an affidavit, and two other corroborating sources.

The most blatant deceit of M&A's review is that they ignore Mr. Brock's Chapter 5. There, in a thorough dissection of Miss Hill's testimony to the Judiciary committee, Mr. Brock lists Miss Hill's numerous false, misleading and contradictory statements—all made under oath. That chapter alone destroys Miss Hill's credibility.

Finally, M&A deride the fervor of Mr. Brock and his "funders" against Anita Hill. Well, I was Mr. Brock's original "funder." As

editor of the American Spectator, I asked him to write a piece that became the foundation for his book. Here is a fact for M&A: the piece was never supposed to be on Miss Hill. I sought a piece on Washington leaks; specifically on who leaked Anita Hill's testimony to the press. Without "fervor," I turned to Mr. Brock out of curiosity about leaks. Inadvertently, Mr. Brock came across discrepancies in both the testimony of Anita Hill and the legend that she was a pious Reaganite. That is how this book came about, not from ideological fervor, but from journalistic curiosity. Evidence of deceit, not politics, created it.

OPEN RULES, A FADING MEMORY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. GINGRICH. Mr. Speaker, I would like to bring to the attention of my colleagues an article that was in the Wall Street Journal on May 21, 1993. The article is entitled "Kangaroo Congress," and I think that it is right on target. Open rules have diminished at an alarming rate and along with them any opportunity for the legislative process to work.

With closed rules, voices all across America are silenced. Republicans want the people to have choices, and that can only be done by having open rules.

KANGAROO CONGRESS

A majority of House members apparently oppose the \$72 billion energy tax and would vote to substitute a cap on entitlement spending. But it's likely a vote on that idea won't even be allowed when the Clinton budget goes to the House floor next Wednesday. When democracy means they might lose, the House leadership prefers to win votes the old-fashioned way: They shut off real debate and choices.

Any bill that goes to the full House first passes through the 13-member Rules Committee, which decides how long the debate on it will last and whether it will be handled under an "open" or "closed" rule. An open rule means the bill is open to all relevant amendments. A closed rule sharply limits the number of amendments or denies them completely. After President Clinton's meeting with House Democrats on Wednesday, there was general agreement his budget will be voted on under a closed rule.

That means moderate House Democrats won't be given a chance for an up or down vote on replacing the energy tax with entitlement caps. They are steaming.

Rep. Tim Penny of Minnesota said that by foreclosing alternatives House leaders are "ignoring" the legitimate concerns of moderate Democrats. "It's an insult to say we can't be part of the process," he told us. Former Rep. Dennis Eckart, a liberal Ohio Democrat who retired last year, decries the increasing use of closed rules. He says they are "the most disturbing part" of how the House operates today.

The accompanying chart shows how the number of open rules has shrunk to virtually none. This year, 10 of the 11 bills debated have operated under the equivalent of a gag order.

The first key vote on the Clinton tax increases will come this Wednesday, when the House will vote on whether or not to approve

a closed rule governing debate on the bill. Many Democratic Members are telling the folks back home that while they don't like the energy tax or higher taxes on senior citizens, their hands are tied: "A vote on those issues won't be allowed." That is a dodge.

If enough Members vote to defeat the closed rule, amendments to the Clinton package will be in order. Voters should know that any Member who votes for the closed rule is, in effect, signing on to the entire \$260 billion Clinton tax increase.

Some House Members, led by Scott Klug of Wisconsin, are alerting the public on how debate is being muzzled. This week Ross Perot offered to help this effort with its planned nationwide distribution of a videotape laying out the case against the current House Rules.

It is startling how debased the operation of Congress has become. The House of Representatives—the chamber intended by the Founding Fathers to be closest to the people—is about to stage a debate on the largest tax increase in American history and probably won't even allow full public deliberation on it. This is not "change."

TARPON SPRINGS WAR MEMORIAL

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. BILIRAKIS. Mr. Speaker, several years ago, two Vietnam veterans, Robert Renneke and Dr. Fred Roever, in my district, proposed building a memorial to honor those killed, or yet missing in action, who hailed from the local area. Like so many other memorial projects, this one was ridiculed by some who contended it was a waste of time and money. However, I am pleased to say that the monument's supporters persevered and in 1992, the city of Tarpon Springs held a dedication ceremony for this important memorial.

The 15-foot high black granite obelisk sits atop a granite base in Craig Park on the banks of the Spring Bayou in Tarpon Springs, FL. The names of approximately 30 Tarpon Springs-area people who lost their lives in wars or are still missing in action have been carved onto the monument, which is illuminated at night.

Our Nation's Capital is filled with monuments, new and old, but the real monuments to courage, to heroism, to valor and to sacrifice are America's veterans themselves.

We asked them to interrupt their lives—to leave their homes, their families, their jobs—to trade the plow for the sword that our Nation might be protected. We asked them to risk and endure hardships most of us cannot imagine, to sacrifice and even to die so that our time-honored and cherished traditions of democracy and freedom might live—and live they have.

Our society asked and our veterans answered. For their dedication and loyalty we should embrace them, honor them, treat them with dignity and respect and treat their disabilities.

These veterans served, as in the words inscribed on a memorial in Arlington Cemetery, "not for fame or reward, not for place or for rank, not lured by ambition or goaded by ne-

cessity, but in simple obedience to duty as they understood it * * *

They are the reasons that the United States is the mightiest, wealthiest, most secure nation on Earth today.

They are the reasons that the United States has been and will continue to be the bastion of support and solace for those in the world searching for freedom and human rights.

We have borne arms many times since fighting the war that created our great Nation more than 200 years ago. We have fought on foreign lands and we have fought among ourselves. We have learned there is never any glory in war—only suffering. But we also have learned, given a just and right cause, that we do not lack the courage, dignity and fortitude necessary to defend the age-old principles upon which our country was founded.

I have often said that it is important for us to display that same determination in our daily lives—in living up to those principles in all that we do. That we live and practice and preach those principles day by day. Otherwise, won't all of that suffering and bravery have been in vain?

And as we talk and think of principles and courage, I consider it important that we recognize the distinction between the level of duty and patriotism we exercise in our daily lives, and the level demonstrated by the American veteran—the ultimate sacrifice resting in the balance. It is the difference between heroes and men who might be brave; between the tested and those who have not yet been tried.

The liberties we enjoy are precious gifts protected only for the moment and requiring a constant vigil. They will never be completely won—and they most certainly will be lost should we ever turn our backs on those who served in their defense.

Nothing could be more devastating to the security of this or any nation than for it to deny its defenders the care and treatment they have earned and deserve * * * or worse, to forget them altogether.

For as long as the American soldier stands ready to support his country and its allies, the forces of oppression and injustice will be held in check. For this, the American serviceman—the veteran—must never be forgotten.

Therefore, I would like to salute the individuals who made the Tarpon Springs war memorial possible. This is, of course, but a small down payment on the great debt America owes its veterans—all of them, man and woman alike.

Those brave Americans who are honored by this wonderful memorial include: John Gerakios, Emmanuel Pastrikos, Richard Sanders, Edward Sapp, Chester McKay, Anthony Antonglou, Howard Thompson, Orby Kelly, Nikitas Cladakis, Raymond Eifert, Angelo Tsavlopoulos, John Saclarides, John Fountouklis, Michael Athanason, Donald Drake, Alan Roberts, Dozier Lovett Jr, Peter Meros, Horace Bullard, John Brockman, William Cooper, Michael Dundas, Morris Dixon Jr, John Schneider, Edward Higgins, Ronald Coleman, William Haddock, James Lewis Jr, Charles Dixon, Felton Fussell, and Dennis Neal.

We must never forget how blessed we are in the modern world to live in a free society, nor forget the sacrifices of our friends, rel-

atives, neighbors and countrymen who served us all when duty called.

TRIBUTE TO CATHERINE REMBISCH

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. COSTELLO. Mr. Speaker, I rise today to congratulate Ms. Catherine Rembisch, who has been selected along with six other contest finalists by the Rural Electric Cooperatives Association to come to Washington, DC., to see the legislative process firsthand.

Catherine was selected because of her participation in the Rural Electric Cooperatives' essay contest, being one of six finalists chosen. It is my hope that her visit will be extremely productive and educational. I ask my colleagues to recognize her accomplishments and wish her a fulfilling visit to the Nation's Capital.

NEW CASTLE'S 300TH ANNIVERSARY

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. ZELIFF. Mr. Speaker, I rise today to pay tribute to the town of New Castle, NH, on the occasion of its 300th anniversary. For 300 years, this small island community has been the site of many historic events.

King William and Queen Mary of England granted the town of New Castle a charter as a town corporate on May 29, 1693. For 70 years prior to that time, it was known as the great island settlement and housed the seat of the Province of New Hampshire's government. The provincial assembly and the Governor's council met there to set policy.

Later, New Castle would see the first overt acts of violence of the American Revolution. On December 14 and 15, 1774, a group of revolutionaries seized cannon and gun powder from His Majesty's Fort William and Mary. This action by the local militia served to ratchet up the already growing tensions between Great Britain and her colony in the New World. Today, that fort still stands as a monument to the American Revolution as well as to the later world wars in which it served her new country—the United States of America.

As the earliest settlement in the Province of New Hampshire, New Castle deserves the tribute of the entire Congress. Today, I pay tribute to the town's history and wish the people of New Castle all the best for their next 300 years.

REINTRODUCTION OF CLEAN
WATER LEGISLATION

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. MINETA. Mr. Speaker, today, I am reintroducing as a new bill the text of H.R. 2199, except for some minor deletions which I will explain, for the sole purpose of setting the record straight on jurisdiction over the Clean Water Program. Let anyone be confused by recent assertions to the contrary, the Committee on Public Works and Transportation is the clean water committee of the House of Representatives. On that the record is clear.

H.R. 2199 was introduced on May 20, 1993, and referred jointly to three committees: the Committees on Public Works and Transportation, Merchant Marine and Fisheries, and Ways and Means. As to the latter, we have no dispute since title II of H.R. 2199 would, in part, impose certain excise taxes on substances contributing to water pollution. We are, however, concerned with the other part of the referral since only about 25 lines in a 34 page bill involve matters under the jurisdiction of the Merchant Marine Committee. Since the current practice of joint referrals does not identify the specific sections of a bill that actually fall within a committee's jurisdiction, I was concerned that the referral of H.R. 2199 would leave a false impression with Members and other interested parties.

To address that, to set the record straight, and to confirm once again the rightful role and responsibility of the Committee on Public Works and Transportation over the Clean Water Act, I had H.R. 2199 redrafted, deleting the 25 lines, but in all other respects the original 34 pages remain unchanged. This redrafted bill will be referred jointly to only two committees: the Committees on Public Works and Transportation, and Ways and Means.

Mr. Speaker, I have two points I wish to make today.

First, we have a problem with inefficient operation of this House when 25 lines worth of jurisdiction in a 34-page bill can get a committee joint jurisdiction over the entire bill. I emphasize that 97 percent of the nontax portions of H.R. 2199 are exclusively in the jurisdiction of the Committee on Public Works and Transportation, yet the entire bill was jointly referred to Merchant Marine and Fisheries.

Congressman SHUSTER and I recently testified before the Joint Committee on the Organization of Congress, and we emphasized the problem of growing inefficiency in the rising proportion of joint referrals in the House, which have risen from about 6 percent of introduced bills in 1974 to 20 percent today. Even more troubling, to date, four out of five multiple-referral measures this Congress involve more than two committees.

Joint referrals dramatically complicate legislative decisionmaking, contribute to gridlock, and increase workload. Enormous amounts of Member and stafftime and energy are spent on jurisdictional jockeying, rather than on the substance of the issue at hand.

These inefficiencies could be greatly reduced by several basic reforms, which would

merely bring basic notions of common sense and good management to the way we work in the House. First, we could construct committee jurisdictions so that they were aligned more nearly with the major issues we have under active consideration. Second, we could provide that where only a distinct and minor portion of a large bill created jurisdiction for a particular committee, that committee would receive sequential, not joint, jurisdiction.

The bill I am introducing today is a case in point. If only 25 lines out of 34 pages is enough to get full and coequal joint jurisdiction, what is to stop the Armed Services Committee from introducing a complete rewrite of the Nation's farm programs, including a few lines on vegetable gardening at military bases, and claiming full joint jurisdiction over the Nation's farm policy? Not the present practices of this House. What is to stop the Agriculture Committee from introducing its own comprehensive national health care bill, including a few lines about rural medical services, and claiming full joint jurisdiction over the national health care debate? Not the present practices of this House.

This is a shamefully wasteful way for us to attempt to do the Nation's legislative business. We spend too much time tangling ourselves up in these jurisdictional knots and way too much time trying to untie ourselves from them. These are practices which cry out for reform. Committees are supposed to facilitate the ability of this House to resolve complex issues, not impede their resolution with jurisdictional complications.

Oviously, the issue here is not the introduction of H.R. 2199, since any Member has the right to introduce any bill on any subject. The issue is how we in the House choose to handle multiple committee referrals, and what that means for our ability to resolve the issues the people sent us here to resolve.

Second, Mr. Speaker, I want to make it absolutely clear to anyone who may be confused or misled, which committee of this House does have, and has long had, full jurisdiction over the Clean Water Act and clean water programs. It is not a complicated or difficult question. In 45 years of major Federal water pollution legislation, every significant clean water bill enacted by Congress has been exclusively referred to our committee, with only one exception (H.R. 1, Public Law 100-4) for very specific reasons where the referral was accompanied by assurances that it would not be relied on as a precedent. All the bills to which I refer are described in the following review of those 45 years of clean water legislation.

Water quality concerns have been a major focus of the Committee on Public Works and Transportation's activities for many years. The committee's efforts have resulted in gradual expansion of Federal water pollution abatement activities in three key areas: From concern with pollution only of interstate waters to applicability to all waters of the United States; from supporting technical research into the causes of water pollution to requiring rigorous water cleanup goals for industries and municipalities; and from providing limited assistance to States to providing billions of dollars in grants to aid construction of municipal wastewater treatment facilities. The Federal Water Pollution Control Act, or Clean Water

Act as it is commonly known, is the legal backbone of America's water pollution cleanup campaign.

As the following discussion demonstrates, the committee's jurisdiction over clean water is longstanding and well founded. No other committee can reasonably make this claim. Pursuant to rule X, clause 1(p)(6) of the standing Rules of the House of Representatives, the committee has jurisdiction over "oil and other pollution of navigable waters." This specific designation of jurisdiction over clean water is clear—it does not appear anywhere else in rule X; it has been supported by countless referrals and precedents; and it remains fundamentally unchallenged.

THE EARLY PERIOD: 1948 THROUGH THE 1960'S

Congress initiated the first step in the evolution of water pollution abatement with the Water Pollution Control Act of 1948, Public Law 845, 80th Congress, which originated in our committee. It represented the committee's and the Congress' first significant attention to an issue of growing concern: The public sector's responsibility for preserving water resources, which were threatened by pollution from industrial activities and from a growing population. The 1948 law recognized the primacy of States in the field of water pollution control and established the Federal role as providing support—largely technical—for the States. It also authorized loans for construction of sewage and waste treatment works, although appropriations were never provided.

The next major water pollution legislation developed by our committee was a comprehensive bill that permitted Federal participation in a wider variety of activities. The Federal Water Pollution Control Act of 1956, Public Law 660, 84th Congress, S. 890, referred exclusively to our committee which reported it, authorized research and demonstration projects, technical assistance, and modified enforcement measures for pollution of interstate waters.

Most significantly, this legislation authorized a 10-year program of grants to communities for construction of wastewater treatment facilities at a level of \$50 million per year.

The 1960's were a period of growing public and congressional attention to public health and environmental pollution problems. Our committee's efforts continued, through hearings and legislation intended to respond aggressively to water pollution problems. A major result was passage of the Federal Water Pollution Control Act of 1961, Public Law 87-88; H.R. 6441, referred exclusively to our committee which reported it, which expanded programs for research and demonstration into improved methods of sewage treatment and control, and extended pollution abatement procedures of the act to navigable intrastate and coastal waters.

In the Water Quality Act of 1965, Public Law 89-234; H.R. 151, referred exclusively to our committee which reported it, water quality became a national rather than a local priority. Local governments were authorized to receive Federal aid to construct wastewater treatment projects if water quality standards were implemented, and a more effective enforcement process was created. The establishment of water quality standards was designed to prevent pollution before it occurred, by setting

prior standards of water purity to make it possible to determine whether discharges of wastes and sewage were causing or would cause unacceptable pollution in a given river or stream.

Through the 1960's, Congress increased wastewater treatment aid authorization levels from \$50 million per year, under the 1956 act, to \$1.25 billion for fiscal year 1971, under the Clean Water Restoration Act of 1966, Public Law 89-753; H.R. 16076, referred exclusively to our committee which reported it. The 1966 legislation provided substantial amounts of money—a total of \$3.55 billion for the 5-year authorization in the act—to help communities pay the costs of achieving the water quality standards established under the 1965 act, and offered financial incentives to the States to establish such standards on intrastate waters. These two enactments made the 89th Congress the most important up to that time in dealing with the increasingly serious national problem of water pollution.

1972 LEGISLATION

Our committee, beginning in 1971, continued oversight and critical review of water quality issues with extensive and intensive hearings. These hearings examined the implementation and effectiveness of existing law and considered proposals for strengthening, expanding, and accelerating the water pollution control program.

From its 7-month review, including 38 days of hearings and a hearing record that comprised more than 4,000 pages of testimony, our committee concluded that, despite some progress, many of the Nation's waters were severely polluted and unfit for most purposes. The committee found that the existing water quality standards process, enforcement mechanism, and levels of Federal funding had to be revised in order to adequately abate and control water pollution. These conclusions led to enactment of the Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500; H.R. 11896, referred exclusively to our committee which reported it, the most comprehensive legislative response to water pollution problems up to that date.

The 1972 amendments totally revised water pollution legislation by mandating a fundamental shift in approach. The new law established two goals: The ultimate goal of eliminating pollutant discharges, and an interim goal of water quality adequate to provide for protection of aquatic life and wildlife and for recreation in and on the water. In order to achieve these ambitious goals, the amendments mandated a number of specific, action-forcing steps. Rather than basing control requirements on water quality standards and working backward, with great difficulty, to the sources of pollution—under procedures established in the Water Quality Act of 1965—national uniform effluent limitation standards would be applied to industrial and municipal sources.

These new technology-based standards focused on specific limits on amounts of pollutants that industries and cities could discharge, rather than solely on the quality of receiving waters. In the law, the standards were coupled with statutory deadlines intended to achieve increasingly more stringent pollution control. First, all industrial pollution sources were required to apply the best practicable waste

treatment technology, and communities were required to install secondary treatment of municipal waste by mid-1977. Second, industries were required to apply improved technological controls, termed the best available treatment technology, by mid-1983. Enforcement was achieved through a comprehensive permit program administered by the Federal Government and the States, making it illegal to discharge pollutants into the Nation's waters without a permit which sets forth numerical limits and other requirements necessary to achieve standards established under the act.

The 1972 legislation required comprehensive regional waste treatment planning and addressed for the first time the problem of nonpoint source pollution, or rainfall runoff from areas such as agricultural lands, city streets, construction sites, and forests.

Civil and criminal penalties were provided, including authority for citizen suits against those who violate effluent standards or compliance orders, or against the EPA Administrator for failure to carry out nondiscretionary duties under the law. A key concept of the total program was public participation in developing and revising guidelines and standards. Recognizing that the steps laid out in the legislation were a significant departure from previous approaches to water pollution control, Congress provided for creation of a National Commission on Water Quality. The Commission would study and evaluate the early implementation of the 1972 amendments, providing a report within 3 years to guide Congress in making any necessary corrections to the goals, programs, and policies established in Public Law 92-500.

To accelerate municipal pollution cleanup, Public Law 92-500 authorized \$18 billion for 3 years as grant for construction of treatment works. Our committee believed that, although identified nationwide funding needs might be twice the authorized amount, funds provided under the act would enable communities to make major inroads into their construction backlog and begin to achieve the kind of pollution control program anticipated by the legislation. Coupled with authorized funding, the 1972 amendments further enhanced the Federal Government's commitment by increasing the Federal share from a maximum of 55 to 75 percent of total project costs. Grant funds were to be allotted to the States on the basis of need—rather than population, as under prior law—and the amendments provided a specific distribution formula to govern State-by-State allotment.

Despite strong public support for environmental improvements and water pollution programs specifically, Federal wastewater treatment grant funding had been particularly controversial. Indeed, Public Law 92-500 authorized such a large increase in appropriations that President Nixon vetoed the bill on the basis of its purported budget-wrecking effects. However, under the committee's leadership in the House, the Congress quickly overrode the veto and launched the modern water pollution control program.

Since passage of Public Law 92-500, the committee's legislative activities on water quality have been extensively supported by oversight and investigatory activities. In 1975 and 1976, our Investigations and Review Sub-

committee held a series of hearings on implementation of the act. In 1977, the Subcommittee held 5 days of hearings to examine issues concerning regulation of toxic and hazardous substances, a major focus of amendments enacted in that year.

1977 AMENDMENTS

The committee and Congress as a whole recognized that Public Law 92-500 would not be the final legislative word on complex water pollution problems and anticipated that mid-course corrections would be needed to attain the long-term goals of the act. Thus, after reviewing the act's early implementation and recommendations of the National Commission on Water Quality established under that law, Congress enacted additional legislation in 1977.

The committee, renamed the Committee on Public Works and Transportation at the start of 1975, took a strong leadership role in this effort. Although the House passed H.R. 9560—referred exclusively to our Committee which reported it—in 1976, the 94th Congress adjourned before reaching final agreement on legislative changes. The committee promptly resumed its review of these issues in the 95th Congress, resulting in approval of H.R. 3199 in March 1977. Moreover, following House passage of that bill in August, the committee held 4 additional days of hearings, for further examination of critical issues.

The Clean Water Act of 1977, Public Law 95-217; H.R. 3199, referred exclusively to our Committee which reported it, enacted in December, built on Public Law 92-500 in three basic ways.

First, it extended authorization for the municipal wastewater treatment construction grants program providing \$24.5 billion over 5 years. Second, it provided new authorities for controlling toxic pollutant discharges into the Nation's waters. And third, it included numerous fine-tuning provisions to adjust municipal and industrial source deadlines, improve administrative flexibility, and enhance implementation by the Environmental Protection Agency [EPA] and the States. While providing limited adjustments—such as extending the municipal compliance deadline to 1983—the 1977 legislation endorsed key environmental concepts supported by the committee. These included the application of technology to reduce the flow of waste into streams and the provision of incentives—such as Federal funding bonuses—for use of technology that incorporates innovative and alternative waste treatment processes, encourages recycling, and conserves energy and resources.

During its mid-1970's review of water quality issues, the committee focused considerable time and attention on toxic water pollution problems. These efforts were reflected in the Clean Water Act of 1977, which reaffirmed the commitment made in 1972 to apply technology-based controls to industrial sources of toxic and potentially toxic waste discharges. At the same time, the 1977 legislation sought to accelerate the regulation of toxic pollutants through a process of mandating lists of substances and industries to be regulated, plus establishing specific deadlines for compliance with toxic pollutant control requirements.

1981 AMENDMENTS

The Clean Water Act of 1977 had authorized funding for wastewater treatment grants

through September 30, 1981. Thus, the committee turned its attention to the act's construction grants program early in the 97th Congress. However, the committee and the Congress faced increasingly difficult policy choices. On the one hand, despite \$30 billion in Federal investment since 1972, a national total of \$120 billion in additional municipal wastewater treatment investment was believed to be required to fully attain the goals of the act. On the other hand, fiscal pressures and efforts to reduce Federal spending led the committee and the administration toward certain programmatic reforms. Still, the committee found the basic goals of the act to be valid and widely supported by the public.

Even before considering legislation, the committee had been examining the construction grants program, first through 3 days of hearings in 1978 by our Investigations and Review Subcommittee, which I chaired, and second by 3 additional days of detailed review in 1979, under our renamed Subcommittee on Oversight and Review. The subcommittee continued evaluation of these issues with 6 days of hearings in 1981, concurrent with congressional review of legislative changes to this portion of the act.

Two themes dominated the debate and 5 days of public hearings by the Water Resources Subcommittee during 1981: First, the need to focus limited Federal dollars on the most urgent treatment needs and water pollution problems, and second, the need for funding stability. Legislation which resulted from these considerations, the Municipal Wastewater Treatment Construction Grant Amendments of 1981, Public Law 97-117; H.R. 4503, referred exclusively to our committee which reported it, sought to address these concerns.

The 1981 amendments extended wastewater treatment grants funding at \$2.4 billion annually for 4 years—\$9.6 billion total through fiscal year 1985—and reduced the Federal share of project costs from 75 to 55 percent, as a means of spreading available Federal resources and encouraging communities to make efficient project choices and investments. To focus the program on priority projects having the greatest water quality benefits, the amendments limited the types of facilities for which Federal funds could generally be used and restricted funding of projects that would support community growth. Throughout the congressional debate, a key concern of the committee was to minimize program disruption in communities with ongoing construction projects that were intended to meet the water quality objectives of the act.

1987 AMENDMENTS

After focusing on the act's wastewater treatment grants program during 1981, our committee turned its legislative attention to extending and revising other provisions of the Clean Water Act. These efforts, lasting from the 97th to the 100th Congresses, resulted in the Water Quality Act of 1987, Public Law 100-4; H.R. 1, the most comprehensive amendments to the act since 1972. As in previous reviews, neither the committee nor the Congress sought to alter the goals or fundamental approach of water quality law. The 1987 legislation represents further fine tuning needed to attain those goals.

Our Water Resources Subcommittee held an extensive series of hearings beginning with 5 days in 1982—the second session of the 97th Congress—that examined numerous implementation and statutory issues. In June 1984 our Committee reported H.R. 3282—referred exclusively to our committee—consisting of amendments to all five titles of the existing law. It also included a major initiative authored by the committee: A provision authorizing grants to States to establish Water Pollution Control Revolving Funds for sewage treatment plant construction. Despite House passage of the bill on June 16, the 98th Congress adjourned without coming to final agreement on a Clean Water Act reauthorization bill.

Building on its efforts in the 98th Congress, our committee quickly resumed activity on water quality issues at the start of the 99th Congress in 1985. Again, our Water Resources Subcommittee held 2 additional days of public hearings in April, and the committee soon reported a comprehensive measure, H.R. 8—referred exclusively to our Committee—which the House passed in July. Based on provisions in H.R. 3282, the 98th Congress bill reported by the committee, it addressed numerous regulatory aspects of the law and authorized Federal wastewater treatment assistance through 1994. Further, it added provisions not included in the 98th Congress bill, to establish new policies and programs in such areas as nonpoint sources of pollution. This initiative resulted from the committee's recognition that, despite progress in controlling industrial and municipal point sources of pollution, the largely uncontrolled nonpoint sources such as runoff from farm and urban areas may represent as much as 50 percent of the Nation's remaining water quality problems. This legislative effort also built on information from hearings by the Oversight and Review Subcommittee in 1979, which examined the regional waste treatment planning program authorized in 1972 in Public Law 92-500.

Although the committee's bill passed the House in mid-1985, other legislative priorities intervened, delaying agreement on final legislation until October 1986. Notwithstanding that, the House and Senate unanimously approved a comprehensive reauthorization bill, President Reagan pocket vetoed it after the 99th Congress had adjourned. As with President Nixon's disapproval of the 1972 legislation, President Reagan cited budgetary concerns as the principal reason for the 1986 veto.

Under the committee's leadership, the 1986 measure was reintroduced in the 100th Congress as H.R. 1. Both the House and Senate passed the legislation, and, despite a second veto by President Reagan, the House and Senate overrode the veto to enact the Water Quality Act of 1987 as Public Law 100-4.

The 1987 amendments contain a number of significant programs. One of these is the nonpoint pollution management initiative, first included in the committee's 1985 proposal. Grant assistance totaling \$400 million over 4 years is authorized to assist States in developing and implementing programs to control nonpoint sources of pollution. Other program initiatives give emphasis to water quality problems in the Nation's estuaries. Chesapeake Bay, and the Great Lakes. Another major initiative establishes a program to deal with toxic

hot spots, areas of waterways where toxic discharges continue to cause pollution problems, even after industries and cities achieve currently required pollution controls. This latter provision represents further legislative steps in a progressive program to reduce toxic pollutant degradation of streams and lakes and support public health and water quality objectives of the act.

The amendments contain numerous provisions to clarify and fine-tune the act's regulatory, permit, and enforcement programs. In particular, existing enforcement provisions are enhanced by increasing penalties for civil and criminal violations under the act and by establishing a new administrative civil penalty mechanism.

Finally, the 1987 amendments set the course for Federal aid to local wastewater treatment construction through the mid-1990's by establishing a new program of grants to capitalize State loan programs for wastewater treatment plant construction. Under the revolving fund concept first contained in our committee's 1984 legislative proposal, moneys used for such construction are repaid by loan recipients to the States, to be recycled for future water quality activities in other communities, thus providing an ongoing source of financing. To support these State and local efforts, the amendments authorized \$18 billion in Federal aid, \$9.6 billion in grants under the previous program through fiscal year 1990, and \$8.4 billion as seed money for State revolving loan funds, beginning in fiscal year 1989.

1992 AND BEYOND

Starting last Congress and extending into the 103d Congress, our committee's Subcommittee on Water Resources and Environment has held 28 days of extensive hearings on clean water. Topics covered included reauthorization generally, funding for wastewater treatment needs, sludge management, combined sewer overflows, nonpoint source pollution, stormwater, contaminated sediments, Great Lakes water quality, water quality monitoring, water quality standards, effluent guidelines, enforcement, coastal pollution, groundwater, pollution prevention, water conservation, protection and restoration of wetlands resources, rural and small communities, and so forth. Building on previous laws which have revitalized our Nation's commitment to water quality, reauthorization of the Clean Water Act will involve the resolution of a number of complex and controversial issues including sewage treatment, water quality, wetlands, and so forth.

EPA's latest estimate is that there are \$80 billion in sewage treatment needs through the next 20 years. Presently, some \$2 billion a year is made available to the States to capitalize revolving loan funds from which loans can be made to communities for the construction of sewage treatment works. The extension of this program, which expires in 1994, and the possibility of an increase in the amount of authorization, must be examined. Also to be considered is whether there should be at least a partial return to the former direct construction grants program as opposed to the program for grants to capitalize revolving loan funds.

Many improvements have been documented in water quality, but much remains to be done. There is a strong need to strengthen the con-

trol of nonpoint source pollution—runoff from diffuse sources—which now contributes roughly half of the pollutants still entering our waters.

There is also a need to develop a new program for the control of stormwater runoff which discharges through separate storm sewers into waters of the United States. These discharges constitute a significant source of pollution and the existing program has been subject to uncertainty, delay, and considerable controversy. A strategy for the correction of combined storm and sanitary sewer overflows must also be examined. The ultimate cost of such a program has been estimated to be as much as \$100 billion.

The most controversial and difficult issue associated with reauthorization of the Clean Water Act is that of wetlands protection. One-half of our country's wetlands have been lost since settlement of the lower 48 States. Wetlands serve essential purposes of wildlife habitat, flood prevention, and water quality. The task before our committee will be that of fashioning a wetlands protection program which brings together, as much as possible, the many strong and conflicting views on the proper role of the Federal and State Governments in the regulation of land use and the need for protection of wetlands.

Other major issues which need to be addressed in connection with the reauthorization of the Clean Water Act include a pollution prevention program, to limit the use and generation of pollutants which otherwise would be discharged into waters of the United States or removed from the waste stream and disposed of in other manners; development of standards for, and control of, contaminated sediments underlying water bodies; water conservation, which can reduce the need for treatment capacity, and the reuse of treated water; coastal pollution, involving the targeted approach to problems of pollution in coastal waters; and the development of a watershed approach to water quality which will encourage the addressing of water quality problems through the comprehensive control of all sources of pollution in a watershed to achieve the maximum water quality benefit through a proper mix of controls.

Whatever the issue, the challenge now before the Committee on Public Works and Transportation, and ultimately the Congress, is to fashion a clean water program that enhances the quality of life for all Americans. With quiet confidence resulting from its record of successes in making the Clean Water Act the legal backbone of America's water pollution cleanup campaign, our committee has begun the work of drafting the Clean Water Act reauthorization bill which this Congress will enact. We expect to introduce a bill within a matter of weeks. I encourage the input of all Members. It is the responsibility of our committee to craft legislation which continues this long history of clean water improvements, which can attract broad support in this House, and which can progress with reasonable speed toward enactment. We take that responsibility seriously.

DON'T MERGE ACDA WITH STATE

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. SABO. Mr. Speaker, I would like to direct my colleagues' attention to an editorial carried by the New York Daily News on Friday, May 21, 1993, which argues against merging the Arms Control and Disarmament Agency with the State Department. Such a merger has been promoted recently—primarily by the State Department—but not as a way to ensure the best possible arms control policies. Instead, merger advocates say that arms control isn't that important anymore, that all the issues have been settled, and that State can handle the supposedly reduced agenda.

I strongly disagree with both the argument and the conclusion. In my view, the post-cold-war arms control agenda is both extensive and challenging. Ensuring implementation of existing arms control treaties, negotiating a comprehensive nuclear test ban treaty, and battling the proliferation of nuclear and other weapons are important and difficult issues. And, as a number of our colleagues stated in an April letter to the President on this topic, ACDA and the State Department working together would be more effective than the State Department alone.

Historically, it is fairly easy to illustrate the importance of an independent ACDA. Scholars agree that without ACDA, we probably would not have a Nuclear Nonproliferation Treaty helping us to stop the spread of nuclear weapons. Without ACDA, former President Reagan would not have heard arguments for dealing harshly with Pakistan's efforts to develop a nuclear bomb.

Now, there is another, very recent example of why we need a strong, revitalized, and independent ACDA. The administration is reviewing its options for pursuing limits on nuclear weapons testing, as directed last year by Congress through a provision in the fiscal year 1993 Energy and Water Appropriations Act. According to reliable sources, several participants in the interagency group, including the Departments of Energy and Defense, were promoting a continuation of low-level testing after 1996, directly contrary to last year's congressional directive. The State Department vacillated. Only ACDA argued for an end to nuclear testing.

The administration's internal debate is continuing, but I am hopeful that the final recommendations to the President will be consistent with the law, as Senators HATFIELD, EXON, and MITCHELL, and Representatives KOPETSKI and others have argued. It seems probable, however, that without ACDA's forceful advocacy of the proarms control position, the President would have been presented with a recommendation contrary to the law and sure to cause considerable controversy and opposition in Congress.

The Daily News editorial I am enclosing makes these same points, and argues that the State Department would have inherent conflicts between maintaining good relations between the United States and foreign countries, and advocating strong proarms control positions. I urge my colleagues to read this piece.

For my colleagues' use and information, I am also including here a copy of the letter supporting ACDA which was sent to the President by eight Members of Congress in mid-April.

Finally, I wish to note that Representative TOM LANTOS, chairman of the Foreign Affairs Subcommittee on International Security, and Representative HOWARD BERMAN, chairman of the Foreign Affairs Subcommittee on International Organizations, have just introduced H.R. 2155, legislation to strengthen and revitalize ACDA by giving it a greater role within the Government on arms control, disarmament, and nonproliferation questions. I commend the chairmen for their decision to introduce this legislation, and I strongly support their efforts.

[From the Daily News, May 21, 1993]

DON'T TRUST STATE DEPARTMENT TO CURB NUKES

(By Lars-Erik Nelson)

In the name of streamlining government, President Clinton is pondering whether to shut down one of John F. Kennedy's legacies to America, the Arms Control and Disarmament Agency. If he does, he risks blinding himself to the gravest national security threats America faces.

On the surface, abolishing ACDA makes sense. The agency is a Cold War baby. Its officials drafted the major arms control treaties with the Soviet Union. But with the Soviet threat gone, what role is left for ACDA today?

Consider some recent history: In the 1980's, Pakistan secretly assembled an atomic weapon. Under U.S. law, all American aid should have been cut off. Nevertheless, the Reagan administration repeatedly certified to Congress that Pakistan had no nuclear weapons program.

Why? Because Pakistan was helping the CIA run a guerrilla war against Soviet troops in Afghanistan. President Reagan endorsed the CIA and State Department view that the Afghan war was more important than enforcing U.S. laws on stopping the spread of nuclear weapons. The result: The Russians are out of Afghanistan—but Pakistan, a fundamentalist, increasingly radical Muslim state and refuge for terrorism, now has atomic weapons.

Such difficult trade-offs are made all the time—and they ought to be made at the presidential level. But a bureaucratic ploy threatens to strip Clinton of this major responsibility. Secretary of State Christopher is proposing to fold ACDA into the State Department. Herein lies the trouble. The State Department, over the years, has developed what has frequently been called "clientitis." It tends to find excuses for misdeeds by other countries. It gravely warns Congress that America cannot afford to crack down on Chinese civil rights abuses. Japanese predatory trade practices or Arab enforcement of the anti-Israel boycott—for fear of damaging our relations. Examples are many. Turkey has been helping Pakistan buy nuclear-related equipment for over a decade. We ought to slap Turkey's wrist, too, but State argued, no doubt correctly, that we needed Turkey's help, first to monitor Soviet missile tests and later to defeat Saddam Hussein.

The government of Laos was caught running drugs. But State cautioned that we need Laotian cooperation to help track down American servicemen missing in Southeast Asia.

"The Department of State still has the mindset that bilateral relations with other

countries are our most important foreign policy goal," says a Senate staffer who feels State and CIA lied to him about the Pakistan bomb. "When State sees things like an illegal weapons program in Pakistan, it often prefers to look the other way."

At least under Reagan, the system worked. With ACDA as an independent agency, he was able to hear arguments for cracking down on Pakistan as well as the State Department's reasons for shutting our eyes. He ruled in favor of State after ACDA had warned him of the costs. But if ACDA comes under the State Department, the President may never even get the opportunity to hear ACDA's warnings. ACDA would no longer have independent access to the White House. "These have got to be presidential choices, but the President can't choose what's not on the menu," says a long-time arms control official.

"If it becomes a dispute within the State Department on whether to blow the whistle on a weapons program or to keep good relations with the suspect country, keeping good relations is going to win at State almost every time," warns Jack Mendelsohn of the private Arms Control Association.

"It's an important point to me that the voice of restraint on nuclear weapons proliferation and on arms sale must be heard at the highest levels." Rep. Lee Hamilton (D-Ind), chairman of the House Foreign Affairs Committee, said yesterday. Hamilton predicted trouble with Congress if Clinton tries to shut down ACDA.

With Soviet communism dead, the old arms threat is gone. But the one that has replaced it is even more alarming. It is the spread of nuclear weapons to a host of immature, disorganized, newly independent countries—with which the State Department is eager to establish good relations. In that world, we need ACDA as an independent cop on the beat, not a bureau within the State Department.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 12, 1993.

HON. BILL CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: Despite the end of the Cold War, the arms control and nonproliferation agenda continues to grow. Implementation of arms control agreements such as the Chemical Weapons Convention, negotiation of new agreements such as a comprehensive nuclear test ban, and controlling the spread of weapons of mass destruction will pose increasing challenges to the government's leadership and management ability.

Along these lines, we were pleased to note in your budget submission to Congress for fiscal year 1994 the budget request for the Arms Control and Disarmament Agency

(ACDA), which will increase with the agency's new responsibilities in implementing the Chemical Weapons Convention.

We strongly hope this is an indication that ACDA will play a key role as an independent agency dedicated to the management and coordination of U.S. arms control and nonproliferation policy. This position is echoed by two recent studies on the management of U.S. government arms control policy. The Office of the State Inspector General (reporting by Congressional request) and the non-profit, nonpartisan Stimson Center each conclude that the best way to develop a coordinated arms control and nonproliferation policy in the U.S. government is to revitalize the Arms Control and Disarmament Agency.

In our judgment, a strong, independent, and revitalized ACDA and a strong State Department, working in a complementary manner, equal more than the sum of their parts. With ACDA's arms control and nonproliferation expertise and guidance, and the State Department's foreign policy and diplomatic expertise, the arms control priorities that you have outlined have the best chance of being fulfilled.

Finally, we wish to note Congress's efforts over the last twelve years to protect ACDA from the previous administrations' attempt to destroy it. While we succeeded in saving ACDA, the agency's importance in the arms control process was severely limited. We understand that some are using ACDA's reduced status as an argument for eliminating the agency. In our view, it would be ironic, indeed, if a Democratic President completed the work of destroying ACDA that two Republican Presidents were unable to accomplish. We believe the results of these past conflicts should be reversed, not accelerated.

In short, we strongly urge you to maintain ACDA as an independent agency, and to revitalize it as the center of U.S. arms control and nonproliferation policy as soon as possible.

Thank you for your consideration.

Sincerely,

Ronald V. Dellums, Chairman, Committee on Armed Services; John Joseph Moakley, Chairman, Committee on Rules; George E. Brown, Jr., Chairman, Committee on Science, Space, and Technology; David Bonior, Majority Whip; Martin Olav Sabo, Chairman, Committee on the Budget; John Conyers, Jr., Chairman, Committee on Government Operations; Dave Obey, Chairman, Subcommittee on Foreign Operations Appropriations; Bob Carr, Subcommittee on Commerce, Justice, State Appropriations.

TRIBUTE TO LOIS AND RICHARD GUNTHER

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1993

Mr. BERMAN. Mr. Speaker, we rise today to pay tribute to Lois and Dick Gunther, our close and esteemed friends for many years. Their contributions to the Jewish community of Los Angeles are legion. For more than 40 years Dick and Lois have selflessly involved themselves in service organizations here and in Israel.

The honor they are receiving this evening from the New Israel Fund typifies both their passion and sense of commitment about Israel. Over the years we have had many conversations with Lois and Dick about Israeli politics, Israeli society, and the Middle East in general. We have felt fortunate to have the benefit of their learned opinions and wise counsel.

That this award is being given in conjunction with the celebration of the 45th anniversary of Israel's independence is extremely appropriate. Few people have served the advancement and security of Israel more selflessly and energetically than Lois and Dick.

Together, the Gunthers have been involved with the Brandeis-Bardin Institute, Dick was president, Lois a member of the board and the Council on Jewish Life, Dick was founding chairman.

Their separate activities are no less impressive: Dick was cochair of Operation Exodus, is a member of the national boards of Mazon, Nishma and the joint distribution committee, serves on the executive committee of the California-Israel Economic Exchange and is co-authoring a book on aging in America.

Lois was past president and is a current member of the board of Jewish Family Service of Los Angeles, former chair of the Interreligious Committee on the American Jewish Committee and serves on the advisory board of Hebrew Union College School of Jewish Communal Service.

We are honored by our long and valued friendship with these two outstanding individuals and proud to ask our colleagues to join us today in paying tribute to their tireless and dedicated service to the New Israel Fund and to the Jewish community of Los Angeles.